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STUDIES IN

CIVIL GOVERNMENT

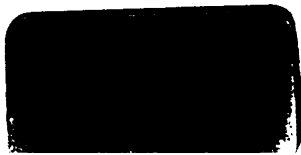


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THE EXECUTIVE MANSION.

THE TREASURY BUILDING.

THE CAPITOL.

A VIEW IN WASHINGTON.







STUDIES  
IN  
CIVIL GOVERNMENT

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BY  
WILLIAM A. MOWRY, PH. D.

EDITOR OF "EDUCATION," AND FOR TWENTY YEARS SENIOR PRINCIPAL OF THE "ENGLISH AND CLASSICAL SCHOOL," PROVIDENCE, R.I.



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## PREFACE.



EMERSON is reported to have said, "No book should be written until it is a year old." He who wishes for cream must set the milk and wait for the cream to rise. That is the toughest and strongest iron which is well hammered. That is the best book which is not made, but which grows. Moreover, its growth must be from human experience.

This book was not made to order, but has grown out of the personal experience of the author, who for twenty-five consecutive years sent out annually a class of boys from an English high-school course of study. Every member of each class completed a course in civil government, including the memorizing and careful discussion of the constitution of the United States. The study of our republican government and governmental history was always fascinating. It led to a somewhat wide range of reading. Intense interest in this study has resulted in the publication of this book, which endeavors to set forth with great plainness of words and becoming brevity the history, the principles, and the essential facts of our peculiar government, local, state, and national.

The work is designed for practical use in the school-room as a class text-book, adapted especially to the highest

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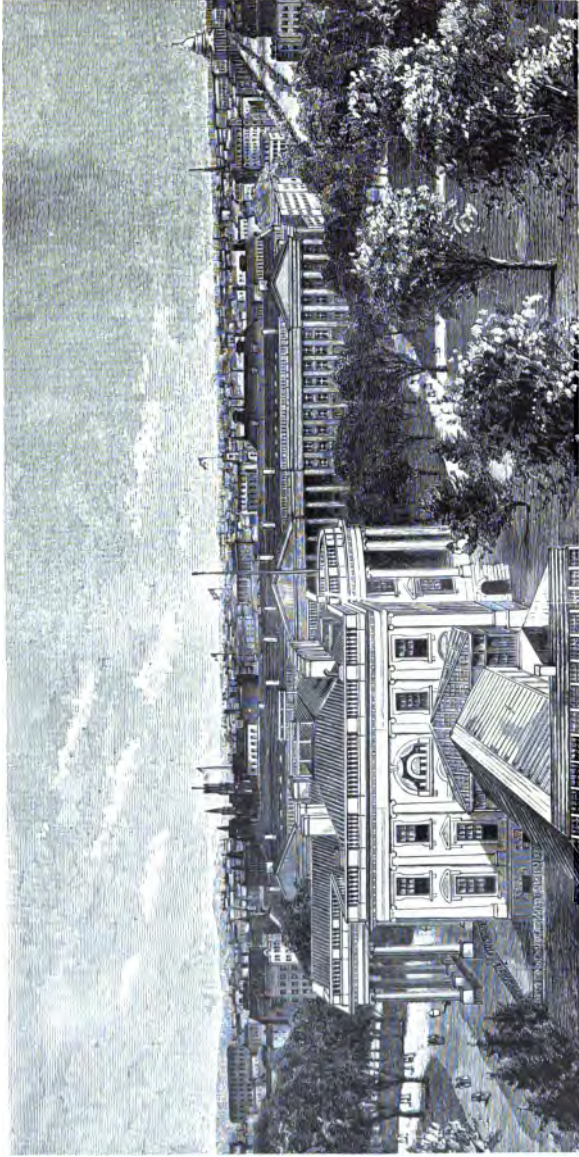


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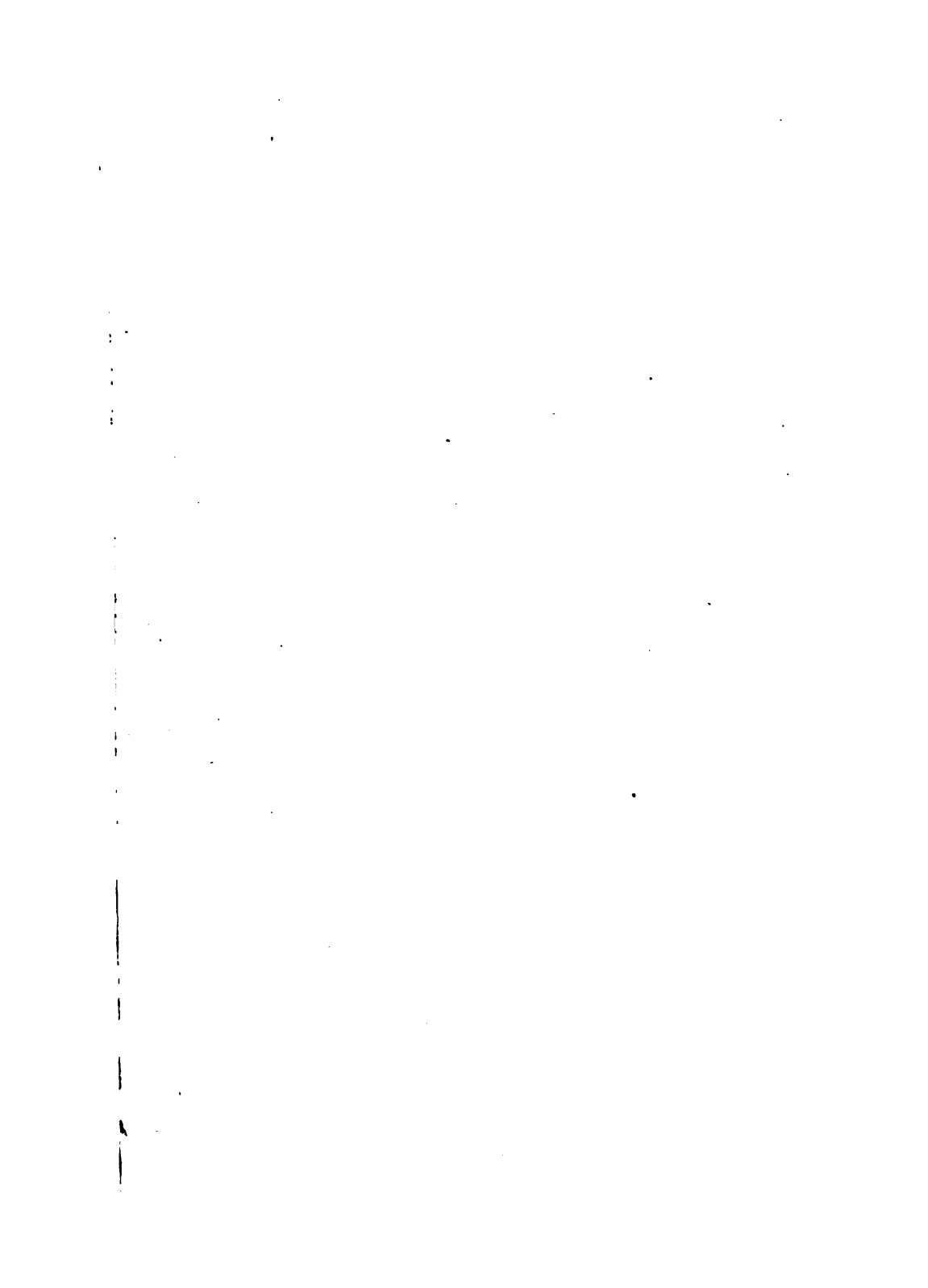


THE EXECUTIVE MANSION.

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a few square miles. In the western part of our country, where the national government has platted the land, a township is six miles square.

**A TOWN GOVERNMENT.**—The government of a town, or township, is in the hands of the people permanently residing within the limits of that township. These people combine together for the protection and mutual good of all. This is the fundamental principle of government. To carry on this government and make the necessary provisions for the mutual good of the inhabitants of the town, taxation is resorted to. The people, therefore, come in contact with the government, first of all, in the way of taxation. Taxes are levied by a majority vote of the citizens assembled in town meeting.

**TOWN MEETING.**—The people of the town meet together annually upon a day appointed by law, and elect the town officers, vote a tax such as they deem necessary to carry on the affairs of the town, receive reports of the town officers for the past year, and decide what shall be done during the year to come.

**TAXES.**—Money is ordinarily raised by taxation for the following purposes, namely: the support of the public schools, making and repairing highways, the care of the poor, maintaining the fire department, paying the salaries of the town officers, paying for the detection and punishment of offenders against the law, maintaining burial grounds, planting shade trees, providing for disabled soldiers and sailors and their families, and in general for all other necessary expenses.

**TOWN OFFICERS.** (1) *Moderator.*—The town meeting is presided over by an officer called the moderator, who is elected at each meeting for that purpose.

(2) *Town Clerk.* — The permanent town clerk is elected annually, and is required to keep a record of all votes passed at town meeting; to administer requisite oaths to officers; to record births, marriages, and deaths in the town, and the names of the town officers elected; to make necessary returns to county officers or to officers of the state, and to perform such other duties as are specified by law, differing somewhat in different sections of the country. The town clerk usually calls the town meeting to order, reads the warrant under which the meeting is held, and presides until a moderator is chosen.

(3) *Selectmen.* — The town is a corporation, and must have some officer or officers to represent it, to act for it, and to attend to the general business of the town. In some states this officer is called a supervisor. In others, several persons are elected, called, in some states, trustees of townships; in other states, selectmen; and in others, the town council. In New England, the powers and duties of these officers are greater than in other sections of the country, because, from the time of the earliest settlements, the town has been a more important division of the state here than elsewhere.

(4) *Town Treasurer.* — There is usually elected at the town meeting, a town treasurer, who receives all sums of money belonging to the town, and pays the same to the order of the proper officers. He must give bonds for a faithful performance of his duties. He is required to make an annual report to the town of his receipts and expenditures.

(5) *School Committee.* — Generally throughout the country each town is required to elect a board of school committee, or school directors. In some states the mem-

bers of the school committee are elected annually, and in other states they are elected for three years, one-third of the board being elected each year. This board has the general charge and superintendence of the public schools of the town.

In most of the states the school committee elect the teachers of the public schools, make contracts with them, fix their salaries, etc. In some of the states they examine the teachers as to their qualifications to teach and to govern, visit the schools, arrange the courses of study for the different grades of school, see that the schools are properly managed, that the instruction is correctly given by the teachers, and have the power to dismiss teachers for cause at any time. In many of the Western states these duties fall largely upon the county superintendent of schools. The school committee are required to make an annual report to the town, of the condition of the schools, with such suggestions for their improvement as they think proper.

(6) *Surveyors of Highways.* — The town chooses one or more surveyors of highways. Frequently the township is divided into districts, and a surveyor appointed for each district. In some cases the town creates a board of road commissioners, who have the general charge of the roads and bridges of the town. In those states where the county is more prominent the roads are under county superintendence.

(7) *Assessors of Taxes.* — These officers are elected by the town, and it is their duty to make annually a list of the names of all taxable inhabitants, to estimate the value of all property, real and personal, and to levy a tax upon the same. In addition to this property tax,

a poll tax is laid in many states, which consists of a fixed sum, generally one or two dollars, to be paid by each male resident of the town, over twenty-one years of age. In some cases this poll tax is restricted to those who do not pay a property tax.

Property is usually considered as either real estate or personal property. Real estate means land and permanent buildings upon the land. All other kinds of property are called personal property. Both kinds of property are subject to taxation.

(8) *Collector of Taxes.*— Each town may choose a collector of taxes. In some states the constable collects the taxes. The collector gives bonds to the town for the faithful discharge of his duties. The tax must be paid within a specified time. If not so paid, the collector may seize upon the property and sell it at public auction, refunding to the owner all that is received above the tax and cost of collection.

(9) *Overseers of the Poor.*— It is the duty of these officers to provide for the support of paupers belonging to the town, who have no relatives able to support them. This provision is made in different sections in various ways. In some states there is in each county a poor-house, to which the paupers of the towns are sent, and the expense charged by the county to the towns severally. In other states each town maintains its own poor-house or arranges with private individuals for the support of the paupers.

In some states various other town officers are provided for: such as, field-drivers, to take up and hold in safe keeping stray cattle; a pound-keeper, whose duty it is to care for stray animals committed to his custody by



the field-drivers; fence-viewers, surveyors of lumber, measurers of wood, sealers of measures, etc.

**SUMMARY OF TOWN OFFICERS.**—The moderator, town clerk, selectmen, town treasurer, school committee, surveyors of highways, assessors of taxes, collectors of taxes, overseers of the poor, field-drivers, pound-keepers, fence-viewers, surveyors of lumber, measurers of wood, sealers of weights and measures.

Most of these officers are elected annually, and must be sworn to the faithful discharge of their duties.

**CITIES, VILLAGES, AND BOROUGHS.**—Every township acts as a corporation. Whenever a town or a particular portion of a town has become thickly populated, a different kind of government is needed. The houses being close together, there is greater danger from fire. A fire department is therefore needed. Sidewalks, paved streets, street lights, police, and other advantages must be provided which are not required in the smaller towns. In accordance with state laws a charter may be obtained, and the town becomes incorporated as a city, a village, or a borough, with certain privileges and powers such as are enumerated above.

Incorporated cities are common throughout the whole country. Incorporated villages are confined to certain states. In Connecticut and Pennsylvania, an incorporated village is called a borough. Ordinarily the word village means only a collection of houses, or of people living near one another.

**CHARTER.**—The charter describes the boundaries of the city or village, names its officers, and prescribes their powers and duties.

**CITY OFFICERS.**—The chief executive officer of the

city is the mayor, whose position is one of great importance.

His duties are various, — often onerous and difficult, — and his powers must be, in the nature of the case, somewhat unlimited. He is the executive officer of the city. It is his duty to see that the laws of the city are properly enforced, and in general to supervise the conduct of subordinate officers. He may call special meetings of the city council and give such information and make such recommendations as he shall deem necessary. In some cases he presides over the board of aldermen. He usually has the veto power similar to that of the governor of the commonwealth.

**ALDERMEN.** — The city is divided into wards of convenient size, in each of which is usually chosen an alderman (sometimes two) and such other officers as are prescribed in the charter. Sometimes two or more wards have but one alderman. In some cases the mayor and aldermen constitute the city council, which is a kind of legislature, having power to pass such laws as the government of the city requires. The city laws are commonly called ordinances. In other cases, another, larger board is elected, called the common council. In some cities it is the custom for each ward to elect annually or otherwise a warden and a ward clerk. In some cases inspectors or judges of elections are appointed from the great political parties, whose duty it is to receive, sort, and count the ballots cast at elections. The duties of the warden correspond somewhat to those of the moderator at the town meeting. The ward clerk keeps a record of the proceedings of the ward meeting.

The city usually elects a school committee or a board

of education, assessors of taxes, overseers of the poor, city clerk, treasurer, collector of taxes, superintendent of streets, engineers of fire departments, a city physician, a city solicitor, an auditor of accounts, and sometimes other officers. In some cases these officers are elected by the people, in other cases by the joint vote of the two branches of the city council, and in others still, they are appointed by the mayor and confirmed by vote of the aldermen or the council.

**VILLAGE OFFICERS.** — The chief executive officer of an incorporated village is usually termed president of the village. The village has also a board of trustees or directors. The president of the village is generally chosen by the trustees from their own number.

## CHAPTER II.

### THE OBJECTS OF GOVERNMENT.

WE have treated briefly some of the functions of government as related to the town and city. What has now been considered may prove sufficient to prepare the way for a brief discussion of the province and objects of government. It is sometimes said that the sole functions of government are to maintain peace and "execute justice." These are, undoubtedly, the primary functions of government, but let us see if they cover the entire case.

We have found that the town or city not only assesses and collects taxes and appoints constables to arrest wrong-doers, but it also appoints overseers of the poor, school committee-men or school directors, surveyors of highways, — officers not required to maintain the peace and execute justice.

All civilized governments consider themselves bound to perform other duties of an entirely different character from what pertains to peace and justice. When our fathers framed the constitution of the United States, they gave in the preamble to that instrument an admirable definition of the province of government. This preamble reads as follows :—

*" We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the*

future generations the best possible conditions for their development and happiness. This is "to secure the blessings of liberty to ourselves and our posterity."

In this view of government the foundation principle would be, that the government has the right and is charged with the duty to promote the public welfare, by all legitimate measures in which that welfare can be better secured by the government than by individual, private enterprise.

**SUMMARY.** — Let us then summarize the great duties of the government. They may be stated as follows: (1) To provide for the common defence against foreign nations, (2) To secure the people under the government against domestic violence and personal injustice, (3) To promote the general welfare of the people by carrying on all those great enterprises which are necessary, and which reason and experience show can be better carried on by the government than by private means. Under this head we have found the town government maintaining schools and building highways. We shall hereafter find that our national government establishes and maintains post-offices, by which correspondence can be conducted and printed information disseminated throughout the whole country, easily, promptly, and at slight expense.

The national government also maintains a light-house system for the general advantage and protection of commerce. It spends a large amount of money each year for the protection and improvement of harbors and rivers, also in the interests of commerce. It provides for broad and careful scientific observations, in order to secure those advantages which accrue from a better

knowledge of geography, astronomy, and the laws of physics, chemistry, meteorology, etc., etc.

The government surveys public lands and attends to the recording of deeds, which are the evidence of ownership in lands. We shall find that some of these matters are left to the national government, others to the state government, and yet others are managed by the county, and the city and town governments.

Some persons are of the opinion that it would be wiser to leave the post-offices, roads, light-houses, public education, and all matters of this kind to private enterprise. Such a movement, however, would result in disastrous failure. Many persons, on the other hand, are strongly of the opinion that, before many years, the government will find itself under obligation, in promoting the public good, to assume the control of the railroads of the country, telegraph, and telephone lines, and the work of the express companies. Undoubtedly the true rule which should govern in this matter is this: whatever the people in their individual capacity can do as well should be left in their hands. Whatever the public good requires that the government should undertake should be committed to the government.

The motto should be, "the best means to promote the greatest good to the greatest number." The ends to be sought are the most healthy development, the greatest good, the highest and largest happiness to the whole people. These are the functions of government.

## CHAPTER III.

### PUBLIC SCHOOLS.

To promote the welfare of the citizens is one of the proper objects of government. This alone would be a sufficient warrant for the establishment of a system of education by the government, but our American plan of public schools is also based upon the fundamental principle of self-preservation. It is an absolute necessity for a republican government.

The perpetuity of a republic depends upon the intelligence and virtue of the people. A monarchy may best sustain itself by keeping the people in ignorance. Like the soldier in the army, the first duty of a subject is to obey. Yet it has been found that intelligence combined with the musket and the bayonet wins the battle. In a republic, however, which, as President Lincoln has said, is "a government of the people, for the people, and by the people," it is absolutely necessary that the people, the whole people, be intelligent.

EARLY PUBLIC SCHOOLS IN NEW ENGLAND. — Recognizing this, the founders of New England early established the principle, that the "property of the state" should be taxed to educate the children of the state. Hence public schools were established at a very early date in the New England colonies.

SCHOOLS AT THE WEST. — During the early part of this century large numbers of emigrants from New

England became settlers in the valley of the Ohio and the upper Mississippi. These pioneers carried with them the New England system of public schools. They were greatly aided in this by a clause in the ordinance of 1787, which was passed by the Continental Congress for the government of the territory northwest of the Ohio river. This famous ordinance provided that schools and the cause of education should forever be encouraged in this territory.

**PUBLIC LANDS FOR SCHOOL PURPOSES.** — When the national government platted the public lands, the arrangement was made for cutting up the territory into townships, each township being six miles square. The township was to be divided into sections, each section being one mile square. The sections, therefore, were numbered from one to thirty-six. In pursuance of the policy outlined in the ordinance of 1787, Congress set apart the sixteenth section in each township for the support of public schools. This section was sold and the proceeds turned into the treasury of the state. In this way the states of the northwest accumulated a school fund, and each state was, therefore, committed to a public-school system. Hence, education by the state became an established principle throughout that section of our country.

**SCHOOLS OF THE SOUTH.** — Since the civil war, which resulted in the abolition of slavery, the Southern states have adopted a public-school system. Thus the progress of education has gone on until now every state in the American Union has an established system of free schools. By this system of public education at public expense each state claims the right to tax the property



in the state for the support of the schools, and also the right to make compulsory laws by which every child is obliged to attend school a required number of weeks each year, for a certain number of years. Some states have such compulsory laws, among the provisions of which is often found a clause which prohibits manufacturers and others from employing children between the ages of ten and fourteen or fifteen years, who have not within the preceding year attended school for a certain number of weeks, as required by law. These schools, therefore, are state schools.

**THE NATIONAL GOVERNMENT AND EDUCATION.** — The national government, as such, is not committed to any general system of education, because the policy of the framers of our constitution was to leave in the hands of the states and the people of the states all rights and duties which did not seem necessary to be conferred upon the national government.

The general government has, however, in various ways, committed itself to the aid of education. In addition to setting apart the sixteenth section of each township for educational purposes, appropriations of land in the newer states have been made for state universities. Fifty years ago a surplus fund of about thirty millions of dollars had accumulated in the national treasury. This surplus revenue was distributed, by an act of Congress, among the states then existing. Many of the states have set apart their share of this fund for school purposes.

**GOVERNMENT SCHOOLS.** — The government has maintained, at its own expense, a military academy at West Point, for the education of army officers; a naval academy at Annapolis, to educate officers for the navy; a college

for deaf-mutes at Washington ; a school for instruction in the signal service at Fort Whipple, Va., near Washington ; and Congress has from time to time during later years made various appropriations for the education of the Indians. It has, especially of late, made liberal appropriations for the excellent schools for the Indian youth now maintained at Hampton, Va. ; Carlisle, Penn. ; Salem, Ore. ; Santa Fé, N.M. ; and other places. It has maintained common schools at various military posts, and the president has lately established a system of education for the territory of Alaska.

**BUREAU OF EDUCATION.** — In 1867 Congress established, under the Department of the Interior, a national Bureau of Education, to collect and publish educational statistics and other information relating to educational matters, and to be the central medium of communication on such subjects between the various states of the union, and between this country and foreign nations. This bureau has proved itself of great educational value to this country. Yet, as has been intimated, the general work of education must be under the direction of the states.

**STATE SYSTEMS.** — In the various states different systems prevail.

**THE TOWNSHIP SYSTEM.** — In the older states, where the importance of the town as a unit of government was magnified, much of the details of the system, together with the raising of a large part of the necessary funds for maintaining the schools, has been relegated to the several towns. In the newer sections of the country these older school laws have been modified, and a more systematic and methodical arrangement has been made by each state

acting as a whole. Generally, the state has a school fund, or raises the money by a school tax, which it distributes among the several towns or counties of the state for the maintenance of schools regulated and governed in accordance with the state school laws. Then the towns or counties make additional appropriations. In a few states the township is divided into school districts, each district being a corporation, and levying a tax upon the property within its limits for the support of the schools in addition to the town or county and state tax. By far the best system is that in which each town or township forms but one school district. The schools of the town are then under the control of a board of directors, or school committee, or trustees, who have in charge their entire management, appointing and certifying the teachers, making contracts with them for their wages or salaries, establishing rules for the government of the schools, arranging courses of study, and a system of promotions, and in general, exercising entire control of the schools, school-houses, and teachers.

**SUPERVISION.** — Within the last few years a system of supervision has been rapidly growing in public favor. So that we now have a state superintendent of public instruction in every state of the union, in many states county superintendents, and in most of our cities and large towns a city or town superintendent.

**STATE SUPERINTENDENT.** — It is the duty of the state superintendent to collect information relating to the schools of the commonwealth, the number of teachers, the number of children, the amount of money expended, and other important matters concerning the school system and its proper operation. It is his duty to report

to the legislature, usually at every session, the information which he has collected, and to suggest improvements in the management of the schools.

CITY AND TOWN SUPERINTENDENTS.—More specific duties are assigned to the city and town superintendents than to those of the county and state. These officers are charged with the general conduct of the schools, their management, gradation, courses of study, etc., usually under the direction of the school committee or board of directors, or, as it is called in many states, a board of education.

GRADATION OF SCHOOLS.—Our system of public schools is graded as follows: (1) primary schools, for the youngest pupils; (2) grammar schools, for those from nine or ten years of age to perhaps fourteen years, where are taught the ordinary English branches, particularly arithmetic, geography, grammar, and the history of our own country; and (3) high schools, where studies are pursued necessary for a good business education, or to prepare the pupil for the college, the school of technology, or the professional school. In some states (4) the state university crowns this system. Most of the states have in addition to the schools already mentioned, (5) normal schools for the training of teachers. It is evident that if the state should furnish education to its citizens, it ought to provide suitable instructors. Hence, as a matter of necessity, normal schools should be maintained everywhere to train properly those who should teach in the public schools. This, in brief, is our American system of public school education.

CHURCH AND STATE.—In our republic the church and the state are separated. There is no state church,

and no preference must be given by the government to one religious denomination over another. Consequently, the distinctly religious or theological education which in the early times characterized the schools of New England, is inconsistent with our republican institutions; but the necessity for virtue and an upright life in the republic is greater than the need of intelligence. Hence our public schools everywhere should inculcate the purest principles of morality, and as morality must be based upon the sanctions of religion, and that responsibility for human action which comes from the recognition of God and our responsibility to him, so religion without sectarianism should characterize the teaching and the atmosphere of all schools throughout the country.

## CHAPTER IV.

### TAXATION.

It follows from necessity that government, whether of town, state, or nation, has the right to raise the necessary funds to carry on all the functions of the government.

The different officers of the state, county, and town must be paid salaries. Public buildings, such as the capitol at Washington, the buildings for the different departments, state, treasury, war, etc., patent-office, general post-office, custom-houses, light-houses, and post-offices throughout the country, by the national government ; state-houses, court-houses, jails, by the state government ; town-houses, school-houses, etc., by the town government ; all these and others are to be built and paid for. The money which is needed for the expense of the government is raised by taxation.

This tax is a sum of money which the government demands from the individual or from his property to pay for the uses of government. The government protects him in his rights, protects his property, and often advances its value by public improvements. Thus government has the right to levy a tax upon him and his property.

The tax necessary for the support of the national government is usually, in times of peace, when there are no extraordinary expenses, raised by what is called indirect taxation. During most of the period of our

national history the entire expense of our government, or nearly so, has been paid by duties upon manufactured goods imported from foreign countries. The greater part of our direct taxes, therefore, are levied by the state and the town. Some states levy a tax upon all male citizens over twenty-one years of age, others upon all voters. This is called a poll tax. The state and the town, however, rely principally upon money raised by tax upon property. This is called property tax.

VALUATION OF PROPERTY.—For the proper apportionment of this tax, it is necessary that all property in the town should have a proper valuation placed upon it. Hence the town appoints assessors, whose duty it is to make a list of all tax-payers, and of all taxable property in the town. They are required to estimate the true value of every piece of property liable to taxation. It is customary to fix this valuation at a sum, an amount somewhat lower than the full market value of the property. In this respect great differences are found in different parts of the country, and sometimes in towns and cities near to each other. In some places the taxable valuation is placed at the full market value, or even at a higher sum than the property would bring if sold. In other places the custom is to fix the valuation at such a sum as the assessors suppose the property would bring if sold at a forced sale in times of financial depression.

It makes little difference to the tax-payer whether the valuation is high or low. A definite amount of money is to be raised, and if the valuation is high, the rate of taxation will be lower. If the valuation is on a low scale, the rate of taxation will be higher. It is, how-

ever, important in any individual tax-payer that the valuation of his property shall be neither higher nor lower than that of others.

Each town, in this way, through its assessors, makes the valuation of all the property in the town which is subject to taxation. In many states where county taxes are levied, it is found necessary to have a county board of assessors, who receive the tax lists from the assessors of the several towns and cities within the county, and if, in their judgment, the valuation in one town is higher than in another, it is their duty to equalize the assessments, and to make such changes as justice seems to demand.

For the state tax there is, in many states, a state board of equalization. This board receives the lists from all the counties and makes the necessary estimates for the equitable adjustment of taxes throughout the state.

LEVYING OF TAXES. — When the assessors of a town have placed the valuation upon all the property of the town, the next thing is to determine the rate of taxation. First, the amount of money to be raised by the town for all purposes is fixed; second, from this sum the amount of the poll tax is subtracted, and the remainder is the sum necessary to be raised by the property tax. If this sum be divided by the total valuation of the property of the town, the quotient is the rate of taxation; that is, the sum to be raised on each dollar of property. In small towns with no fire department, no police, and in all respects a small expenditure needful, the rate of taxation is sometimes as low as two mills on one dollar, or perhaps less. This rate would make



twenty cents on one hundred dollars, or two dollars on each thousand dollars of property. In large towns and cities the rate of taxation is often as high as two per cent, or twenty dollars on a thousand: possibly in some instances it is much higher than this rate.

**COLLECTION OF TAXES.** — In the older states, and in some of the newer ones, the custom prevails for all taxes, town, county, and state, to be collected by the tax-collectors of the town. In other cases the county system prevails, and the county collector receives the assessors' lists for the entire county and makes collections of the taxes.

The law fixes the time of payment of taxes. If one neglects to make payment within the specified time, a fine or penalty is added. If the person is still delinquent, after a further specified time the property is sold at auction. The government thus collects enough money to pay the tax and expenses, and gives a tax title to the purchaser. The former owner has a specified time in which to redeem his property, by payment of the tax and all costs.

**TREASURER AND AUDITOR.** — The collector pays over the money collected as taxes to the treasurer, whether town or county, and takes a receipt from that officer for the amount paid. The treasurer is required to give bonds for the faithful performance of his duties.

It is customary for the town, county, or state to have an officer called an auditor, whose duty it is to audit every bill presented for payment, before the treasurer is permitted by law to pay it. The treasurer's final account must therefore correspond with the final account rendered by the auditor.

EXEMPTIONS. — Many of the states have passed what are termed exemption laws, specifying certain kinds of property which shall not be deemed taxable. In levying taxes, therefore, the assessors make up their lists from taxable property only. In general, the states exempt from taxation some portion of one's personal property, particularly the tools and utensils of laborers. In most states institutions of learning and charitable institutions are exempt from taxation. In some states church property, like meeting-houses and parsonages, are exempt from taxation. It will readily be seen that a very large part of the taxes must be collected from real estate. Whenever the town collector is charged with collecting the state tax and county tax, as well as the town tax, these three sums, which are to be found on three separate tax lists, are to be added together, and the collector receives from the tax-payer the amount needed to pay the town expenses, the proper share of the county expenses, and a relative portion of the state expenses. As a matter of fact, the state tax, in our country, is usually much less than the town tax or the county tax.

## CHAPTER V.

### TOWN, STATE, AND NATION.

WE have considered, very briefly, certain fundamental facts and customs concerning our town or city governments. Towns, cities, and incorporated villages and buroughs are called municipalities. Their government is distinguished by the name municipal government.

A collection of towns forms a county. A collection of counties is included in a state. Our union of states forms a national or federal government. We have considered the municipal government first for the following reasons: in the first place, you are all more or less acquainted with the government of the town or city in which you live, and therefore that would be the natural starting-point. In the next place, the individual citizen comes more directly in contact with the government of the town than of the state or nation.

CONTACT WITH GOVERNMENT. — We have seen that the municipal government touches us first of all by way of taxation, then in connection with the schools and highways, the police or constables, the surveyor of lumber, the measurer of wood, etc. We come in contact with the government of the county and the state less frequently. We send our representatives from the town to the state legislature. We vote for governor. We record our deeds of real estate at the county seat. Our courts of justice are held in the counties.

With the national government the ordinary citizen

has but little to do. In common life we touch the national government almost entirely through the post-office. The machinery of the national government reaches down to the towns scarcely in any other way than through the post-office; but in order properly to understand the whole subject of government, its relations to us as individuals, our relations and our responsibilities to it, we must consider the national government and the state governments as well as matters concerning the towns.

OUR GOVERNMENT PECULIAR. — Our government is a peculiar one. It has been called “a complicated machine.” Our national constitution differs from any constitution ever before known in the world. Our government is not purely a republic, neither is it a league of states. Our American people constitute a nation with a republican government. It has a constitution clearly defining and limiting the powers and duties of the government. This constitution is the supreme law of the land. We have also state governments.

THE NATION AND THE STATE. — The national constitution embraces under its authority all the people in every section of the entire country.

The state constitution must not be in opposition to the national constitution, but under that constitution it includes under its authority all the people in all sections of the state, and is the organic law for the state. If our government were merely a league of states, we could have no supreme national government. On the other hand, if it were a consolidated republic, the national constitution would be sufficient, and there could be no state constitutions.

In one view we are a single people, a nation, completely and absolutely, just as truly as France or England. Again, our national constitution recognizes the individual states with their powers and their separate constitutions. Each state is not a sovereign state, but has absolute authority within certain limits, yielding supremacy to the national government in all points covered by the national constitution.

ORIGIN OF THE STATES AND THE NATION. —Originally there were thirteen states united in our national government. The nation did not precede the states, nor did the states precede the nation. Thirteen English colonies subject to the government of Great Britain complained to the mother country of certain grievances. In prosecuting these complaints, the colonies appointed delegates to an American Congress. The grievances were not abated. The delegates to the Continental Congress adopted what was called a "Declaration of Independence." By this declaration these thirteen colonies ceased to be colonies of the mother country, and became states at once, states of the American Republic, consisting of a union of these states. The republic with its national organization commenced July 4, 1776. The states ceased to be colonies and became states July 4, 1776. Then the nation began, then the life of the states as states commenced.

It will be necessary, therefore, in order to understand the nature of our national government, thus briefly outlined, to consider with some care the principal events of history which lead up to the beginning of this nation.

## CHAPTER VI.

### THE COLONIAL HISTORY.

AFTER the discovery of America by Columbus, the leading nations of Europe contended for the possession of the new world. Each claimed for itself, by right of discovery, sole right and title to vast sections of North America, along the coast of which their explorers and navigators had sailed.

FRENCH SETTLEMENTS.— In process of time settlements were made here and there along this coast. The French were the first settlers in Canada, and hence they claimed the entire valley of the St. Lawrence river. From Canada their explorers, particularly the priests of the Roman Catholic Church, pushed out westward, crossed the great lakes, floated down the Ohio and the Mississippi, and finally France took possession of the entire valley of the Mississippi river. The French, therefore, held these two great valleys.

SPANISH SETTLEMENTS.— Spain confined her operations to the warmer latitudes, made settlements and laid claim to Florida, Mexico, and Central America. At one time it seemed as though the great contest for supremacy on this continent would be fought out between France and Spain, and that either one or the other would dominate the continent.

BRITISH COLONIES.— Great Britain sent over a few feeble colonists. These settled, at first, in Virginia and

Massachusetts. Other settlements followed. In process of time England obtained possession of the country along the coast from Maine to Georgia, laying claim, wherever there was no other well authenticated title, to the entire region westward to "The Great South Seas."

Prior to the middle of the last century the English colonies were so weak, few in numbers, and occupied so small a portion of the territory of the continent, that one might well prophesy their total extinction at no distant day. The tide, however, was turned by the contest between Great Britain and France, which took place between 1756 and 1763. This was the war familiarly known to us as the French and Indian War. It was a sharp and bloody contest between Great Britain and her American colonies on the one side, and France with her colonies and friendly Indian tribes on the other. This culminated in the battle of Quebec, in September, 1759.

THE BATTLE OF QUEBEC. — The British general, Wolfe, under cover of the darkness of the night, pushed his army of less than five thousand men by a circuitous route up the precipitous bluff that frowns upon the great river, and fought, on the Plains of Abraham, the battle which was to decide the fate of North America.

The brave general in command of the French, Montcalm, received the attack, and with bold impetuosity moved his troops forward in the vain endeavor to flank the British and drive them back down the bluff to the river. In the severe contest which followed this movement, Wolfe, first shot in the wrist, received a second ball, and then was struck by a third in the breast, which gave him his mortal wound. He died in the moment

of victory. He, who four days before had looked upon death with dismay, now said exultantly, "God be praised, I die in peace." Montcalm, also fighting at the head of his troops, was wounded again and again, and finally, when his forces gave way and were running before the English bayonets, in attempting to rally a body of Canadian troops, he fell mortally wounded. Bravely he died. Among his last words were the following: "How long shall I survive?" "Ten or twelve hours; perhaps less," said the surgeon. "So much the better; I shall not live to see the surrender of Quebec."

With the fall of Quebec fell the power of France in America.

RESULTS OF THE WAR. — The English were furiously imperious. They were drunk with success. They dictated severe and humiliating terms to France. The French were in no condition to abase their pride. France yielded to necessity, and on the third of November the preliminaries of the peace were signed. The treaty was finally ratified on the tenth of February, 1763. By this treaty the following transfers were made of the territory of North America. England received a clear title to Canada, Acadia, Cape Breton and its dependent islands, and all the country north of these provinces, several of the West India islands, the Spanish provinces of East and West Florida, and extended the boundaries of her colonies along the Atlantic coast westward to the Mississippi.

To Spain was ceded New Orleans and the great province of Louisiana, which extended from the Gulf of Mexico northward to the Lake of the Woods, and westward from the Mississippi to the summit of the Rocky



Mountains. France, therefore, lost in this single contest every vestige of her power in North America. Not a foot of soil remained to her, only the two little islands of St. Pierre and Miquelon out in the Atlantic, as a shelter for her fishermen.

IMPORTANCE OF THIS TREATY TO NORTH AMERICA. — The importance of this treaty to the future of North America can scarcely be overestimated. The contest itself was in reality for supremacy in North America. It was a contest of race, of laws, of manners and customs, of language and of religion. Had the French conquered, in all human probability North America would have been French to-day, with her language, her people, her customs, her laws, her religion. On the contrary, as England conquered, the continent was destined to become English, a free country; liberty as its watchword, and progress and prosperity the result. This was the supreme moment in the history of North America.

THE DRIFT TOWARDS INDEPENDENCE. — The most sagacious men of the time at once began to foresee a contest between the colonies and the home government. As early as 1760 Calvert, the secretary of Maryland, wrote as follows: "It has been hinted to me, that at the peace, acts of parliament will be moved for amendment of government and a standing force in America, and that the colonies for whose protection the force will be established, must bear at least the greatest share of the charge. This will occasion a tax."

Pratt, the attorney-general, but known in America as Lord Camden, is reported to have said to Benjamin Franklin: "For all that you Americans say of your

loyalty, and notwithstanding your boasted affection, you will one day set up for independence." Franklin in all honesty replied: "No such idea is entertained by the Americans or ever will be, unless you grossly abuse them." To this Pratt replied: "Very true. That I see will happen and will produce the event."

Count de Vergennes, one of the most sagacious and wise statesmen that France ever produced, then the French ambassador at Constantinople, when he heard the conditions of the treaty, said to a British traveller, and afterward himself recalled the prediction to the notice of the British ministry: "The consequences of the entire cession of Canada are obvious. I am persuaded England will ere long repent having removed the only check that could keep her colonies in awe. They stand no longer in need of her protection. She will call upon them to contribute towards supporting the burdens they have helped to bring on her; and they will answer by striking off all dependence." These predictions of the French statesman are worthy a place beside some of those remarkable prophesies attributed to Napoleon the First.

England confidently expected, as a result of this war, a boundless increase of her wealth.

A month before the treaty was ratified, what had long been resolved upon was publicly avowed: "That the standing army of twenty battalions was to be kept up in America after the peace, and that the expense was to be defrayed by the colonists themselves." But England was to be disappointed in the result. Bancroft, the historian, says: "The colonial system, being founded on injustice, was at war with itself. The common inter-

est of the great maritime powers of Europe in unholding it existed no more. The Seven Years' War, which doubled the debt of England, increasing it to seven hundred millions of dollars, was begun by her for the acquisition of the Ohio valley. She achieved that conquest, but not for herself. Driven out from its share in the great colonial system, France was swayed by its commercial and political interests, by its wounded pride, and by that enthusiasm which the support of a good cause enkindles, to take up the defence of the freedom of the seas, and to desire the enfranchisement of the English plantations. This policy was well devised ; and England became not so much the possessor of the valley of the west, as the trustee, commissioned to transfer it from the France of the middle ages to the free people who were making for humanity a new life in America."

The Anglo-Saxon tongue, spoken by a large part of the Teutonic race, with its strong tendency to individuality and freedom, was to prevail throughout the continent. Not only so, but it was destined to spread itself more widely and to exert upon the destinies of mankind a greater influence than any tongue ever heretofore spoken by the human race.

Bancroft, in closing the second volume of his great history, indulges in the following glowing apostrophe to this, our English tongue :—

"Go forth, then, language of Milton and Hampden, language of my country. Take possession of the North American continent. Gladden the waste places with every tone that has been rightly struck on the English lyre, with every English word that has been spoken

well for liberty and for man. Give an echo to the now silent and solitary mountains ; gush out with the fountains, that as yet sing their anthems all day long without repose ; fill the valleys with the voices of love in its purity, the pledges of friendship in its faithfulness ; and as the morning sun drinks the dewdrops from the flowers all the way from the dreary Atlantic to the Peaceful ocean, meet him with the joyous hum of the early industry of freemen. Utter boldly and spread widely through the world the thoughts of the coming apostles of the people's liberty, till the sound that cheers the desert shall thrill through the heart of humanity, and the lips of the messenger of the people's power, as he stands in beauty upon the mountains, shall proclaim the renovating tidings of equal freedom for the race."

## CHAPTER VII.

### THE GERMS OF UNION.

It should be remembered that the English colonies, which were stretched along the Atlantic coast, had but few bonds of union. They were colonies of the same mother country. They were subject to the laws of Great Britain. They were, more or less, according to their several charters and grants, under the control of the British parliament; but they were jealous of each other. There was no mutual dependence one upon another. Their interests were diverse, and it was an exceedingly difficult matter for the leaders of the people to foster a spirit of union between them. When that union came, it came not from the leaders, but spontaneously from the masses of the people themselves.

Each of the colonies exercised certain powers of self-government, but none claimed independence from England.

**THE FIRST UNION.** — The first union that was formed between any of the colonies was as early as 1643. At that time the Indians were threatening the white settlers of Connecticut and Massachusetts. To resist the common enemy a union was formed between the colonies of the Massachusetts Bay, Plymouth, Connecticut, and New Haven, under the name of "The United Colonies of New England." Another object of this union was to resist the claims and encroachments of the

Dutch. Nearly a century passed by before there was any further attempt at a general union among the colonies.

**THE SECOND ATTEMPT.** — In 1722 a convention was held at Albany, consisting of the governors and commissioners of the several provinces, for the purpose of making some arrangements to protect the frontier from the Indians. Small results came from this convention, but, twenty years later, this plan for union among the colonies received the sanction of the British government.

**ANOTHER TRIAL.** — At the request of the “lords commissioners for trade” a convention was held in Albany, in June, 1754, when commissioners from seven of the colonies, — Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Pennsylvania, and Maryland — met and held prolonged sessions. The object of this convention, as designed by the lords commissioners, was to form a treaty with some of the Indian tribes, and to consider the best means for defending America against France, that country being then on the eve of a great war, which we have already considered, and which began in 1756, and was terminated by the famous treaty of 1763.

After due consultation the commissioners carried their views much farther than had been intended by the British government. The plan of union was proposed by Dr. Franklin, who was a member of the convention, providing for a confederation of all the colonies, with a council to be chosen triennially, and a president to be appointed by the crown. The president and council were to have power to regulate all affairs

with the Indians, to control settlements on lands which should be purchased from the Indians, to govern such settlements, to raise soldiers, build forts, and equip vessels for guarding the coast and protecting the trade. They were to have power to make laws for the execution of these purposes, and to levy duties and taxes as they might think proper. The president was to have the veto power on all laws and acts of the council, and it was his duty to see that the laws were properly executed. The plan never went into operation. It was rejected from different motives, both by the government of the colonies and by the home government at London.

**DIFFICULTIES.** — The difficulties in the way of union were so serious that some of the most intelligent men of this country were fully persuaded that it would be impossible to reconcile the differences of the colonies so as to unite them in a common confederacy. Pitkin, in his history, says of the plan adopted by this convention: "It had the singular fate of being rejected in England because it left too much power in the hands of the colonists, and of being disapproved in America because it transferred too much power to the hands of the crown."

Remember that this convention was held just at the beginning of the war with France. The importance of such a union as was here proposed was acknowledged by all, and apparently the principal benefit which followed from the convention was, that it made the idea of union familiar to our colonial ancestors, so that after the close of this war, when the English parliament began to exercise what the colonies considered unreasonable authority

over them, they were quite ready to consult together on the means of defence; and to concert measures for a general resistance.

THE CONGRESS OF 1765. — Hence it came to pass that in 1765 a congress of delegates from nine of the colonies was held in New York. The immediate cause of this congress was the Stamp Act, which had passed the British parliament, in March of that year. Although the colonists vehemently protested against the right of parliament to tax them, yet that body fully committed itself to the policy of raising a revenue from the colonies by taxation. They passed the Stamp Act, which required that all legal documents used in the colonies, in order to be valid, should be upon stamped paper furnished by the British government. When the news of this act reached America, a common opposition to it rose to fever heat at once in all the colonies. The colonial assembly of Virginia adopted most vigorous resolutions. These resolutions were moved and supported by the fiery eloquence of the celebrated Patrick Henry. It was in the heat of debate prior to their passage, when Henry exclaimed: "Cæsar had his Brutus, Charles the first his Cromwell and George the Third —" Here he was interrupted by the speaker and others, with the cry of "Treason, treason." Pausing a moment and coolly turning to the speaker and fixing his eye upon him, slowly and with a low, calm voice said: "may profit by their example. If this be treason, make the most of it."

The proposition for a congress to meet at this time was made by Massachusetts, whose General Court voted that it was desirable that a congress of delegates from all the colonies should be held. New York was fixed



upon as the place of meeting. Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina elected commissioners. Virginia, North Carolina, and Georgia were not represented, the governors of these colonies having refused to call the assemblies together to appoint delegates. New Hampshire thought it prudent not to send delegates, although she approved the plan.

This was the first general meeting of the colonies for the purpose of considering their relations to the mother country, to determine their rights and privileges, and to petition for redress for the violation of these rights on the part of the home government.

In their declaration of rights and grievances they claimed that the colonists were entitled to all the inherent rights and liberties of subjects within the kingdom of Great Britain; "that it is inseparably essential to the freedom of the people, and the undoubted right of Englishmen, that no tax be imposed upon them, but with their own consent, given personally or by their representatives."

The Stamp Act was repealed, but the British ministers still persisted in their attempts to coerce the colonies; and the duties imposed were quite as obnoxious as the Stamp Act had been. They now determined to form a closer union for their own protection, and the colonies united in sending delegates to Philadelphia with the general authority "to meet and consult together for the common welfare."

**THE FIRST CONTINENTAL CONGRESS.** — This was the first continental congress. It was proposed by Massachusetts, and the name "continental congress" was sug-

gested by her. On the 5th of September delegates from twelve of the thirteen colonies assembled at Philadelphia. Georgia, the youngest colony, alone was unrepresented. Many distinguished men were members of this congress. Among them were John Adams and Samuel Adams of Massachusetts, Roger Sherman of Connecticut, John Jay of New York, George Washington, Peyton Randolph, Richard Henry Lee, and Patrick Henry of Virginia. Randolph was chosen president, and the congress proceeded to business.

The first resolution adopted was one which subsequently proved of great importance. It provided as follows: "That in determining questions in this congress each colony or province shall have one vote." This rule of equal state suffrage remained in force through the entire history of the second continental congress, and down to the adoption of the constitution in 1789.

ADDRESSES. — Their session was short, and their business quickly dispatched. They adopted an address to the king, one to the people of Great Britain, another to the inhabitants of the several colonies, and another to the inhabitants of Quebec. These addresses were dignified, yet bold and decided. They were drawn up with such consummate ability, that Lord Chatham was forced to speak of them in terms of the highest admiration. It was the confident belief of the majority of the members of this congress, that the measures which they had adopted, if supported by the American people, as indeed they were, would produce a wholesome redress of their grievances. In this view they were disappointed. They adjourned after recommending that another congress should convene on the 10th of May

of the next year, provided that a redress of grievances was not previously obtained.

THE SECOND CONTINENTAL CONGRESS. — The breach between England and the colonies became wider. Consequently, in accordance with the recommendation of the first continental congress, delegates were appointed by the several colonies, who met in Philadelphia on the 10th of May, 1775. As in the first congress, some of the delegates were chosen by conventions, and some by the legislatures. In almost every instance the several colonies appointed the same delegates that had served them the previous year. This body is known as the second continental congress. It became the national government of this people, and continued its sessions for fourteen years.

The colonies are now upon the eve of the great revolutionary war. They have convened that body which brought forth the declaration of independence, and which carried on the war to a happy termination in the acknowledged independence of the United States of America.

Before proceeding with this history, let us retrace our steps, and consider more particularly the condition of the colonies previous to this time, with special reference to their forms of government.

## CHAPTER VIII.

### THE COLONIAL GOVERNMENTS: THEIR SPECIFIC FORMS.

THE leading nations of Europe, at an early date, undertook voyages of discovery in North America, and fitted out colonies to settle at various points upon the new continent. This new world, but vaguely known, was then supposed to contain mines of the fabulous wealth and to have a climate of such a wonderful character as to prolong life indefinitely. The Spanish, particularly, had heard of a wonderful fountain in this fairy-land, by bathing in which one could renew his youth. It was supposed that the natives were accustomed to wear the most costly jewels, and that the very sand upon the fields and upon the banks of the rivers sparkled with gold. Moreover, the hope of finding a short passage to the East Indies stimulated the government to fit out vessels and send them on voyages of discovery.

Spain, at this time, was one of the richest and most powerful of the nations of Europe. Her conquests in the new world gave her great riches, and so increased her power as to make the other governments more anxious, both to establish colonies and to find a western passage to India.

Three of these European powers put forth greater efforts than others, and as we have already seen, vied with each other for supremacy on this continent.

SPAIN.—Within the present limits of the United

States, Spain made settlements only in Florida, New Mexico, and California. She sent many vessels on voyages of discovery, which coasted along the Pacific coast from Mexico northward as far as latitude 50, and the oldest permanent settlement in our country was made by the Spanish at St. Augustine, Fla., in 1565. This nation had also the honor of establishing the second oldest town, Santa Fé, N.M., which was settled about twenty years after the Spanish had established themselves at St. Augustine.

ENGLAND. — The English made their first permanent settlement on a little island in the York river, Virginia, in 1607.

THE FRENCH. — France effected permanent settlements in the valley of the St. Lawrence, and held the whole valley of the great Mississippi and its numerous and important tributaries.

The Dutch established themselves at New York in 1613. The English at Plymouth, Massachusetts, in 1620. From this period onward English settlements multiplied at various points along the coast, between the Spanish settlements in Florida and the French in Nova Scotia. The last of these original English colonies was established at Savannah, Georgia, in 1733.

THIRTEEN ENGLISH COLONIES. — At the beginning of the Revolution there were thirteen colonies along this coast, all of them weak and feeble, though rapidly increasing in strength and power. These colonies in order of their settlements were: Virginia, Massachusetts, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, North Carolina, South Carolina, and Georgia. They were not all settled

as so many distinct colonies, but various changes had taken place among them. Massachusetts, for instance, had within her borders, originally, three distinct colonies, — (1) the colony of the Bay, (2) Plymouth, and (3) the province of Maine. The colony upon the Connecticut river and the colony at New Haven had united under one government. On the other hand, the Carolinas had divided. What was, up to 1729, one colony, in that year was made two, assuming the names of North Carolina and South Carolina. Although the Dutch had settled in New York, the English government never recognized their claim to the territory. In 1664 King Charles gave to his brother, the Duke of York, all the territory of New Netherlands, as the settlement was then called, and the surrounding country. The royal commissioners, who had been sent to examine the charter governments of New England, were directed to demand of the Dutch the surrender of their territory. No resistance was made, and the New Netherlands thence became an English colony, called New York.

Among these various English colonies a variety of forms of government prevailed. The colonies all acknowledged allegiance to the mother country, but they had no political connection with one another. Neither was there a cordial, friendly feeling between them. The smaller colonies were jealous of the larger ones, and accused them of being domineering and overbearing.

**THE KINDS OF COLONIAL GOVERNMENT.** — Prior to the Revolution these colonial governments were of three kinds, — provincial, proprietary, and charter.

**THE PROVINCIAL GOVERNMENTS.** — At the outbreak of

the Revolution the provincial governments were those of New Hampshire, New York, Virginia, Georgia, New Jersey, North Carolina, and South Carolina. The colonies under proprietary governments were Pennsylvania, Maryland, and Delaware. The colonies which had charter governments were Massachusetts, Rhode Island, and Connecticut. The provincial governments were called royal. While retaining certain powers in the hands of the colony, they accorded the more important prerogatives to the crown. The governor and the council were appointed by the king, and the legislature was composed of two houses, the upper house being the council, and the lower house being elected by the people. This legislature was subordinate to the royal governor, who had the right of veto upon all its proceedings, and could prorogue or dissolve it; but otherwise the legislature might enact laws, which must not be contrary to the laws of England, and these laws, in order to be operative, must be approved by the governor and ratified by the crown.

Courts were established and judges and other officers appointed by the royal governor, with the advice and consent of his royal council. In these governments it will readily be seen that the people were accorded the right primarily to make their own laws, but these laws must first be approved by the royal governor and the crown, and then their execution was entrusted to the governor and the officers appointed by him. Consequently, the people in reality had but little actual power in their hands.

**PROPRIETARY GOVERNMENTS.** — In the proprietary government the people held similar legislative rights and powers, while the governors were appointed by the pro-

prietors. The proprietors thus exercised those prerogatives which in the royal governments were held by the crown.

**THE CHARTER GOVERNMENTS.**—In the charter governments the power more largely lay in the hands of the people. Not only were members of the legislature elected by the people, but the people also elected their governors. All other officers were either elected by the people or appointed by the governor, or the governor and the council. The charter granted to Massachusetts by Charles I. was very liberal, but prior to the Revolution the powers of the people had been seriously abridged. The charters of Connecticut and Rhode Island were granted as early as 1662 and 1663, and were so satisfactory to the people that they retained them long after they had become states of the American union. Connecticut did not form a state constitution until 1818, and Rhode Island was governed by the provisions of her charter of 1663 down to the year 1842—nearly 180 years. At the time she adopted a constitution, her charter was the oldest written constitution that was in force up to that time in the civilized world.

It will be observed that all of the colonies exercised some of the powers of government, while all were dependent more or less upon the British crown. There were in these governments the germs of popular rights, the seeds from which in due time sprang the republic. The democratic element, which was first manifested in the compact agreed to in the cabin of the *Mayflower*, had expanded and continued to grow, until it finally became the dominant form of all governmental power in this country.



## CHAPTER IX.

### THE CONTINENTAL CONGRESS.

THE continental congress, already mentioned, and which is sometimes called the second continental congress, met in Philadelphia on the 10th of May, 1775. The delegates were chosen in some instances by the colonial legislatures, and in other cases by conventions of the people. Many of these delegates were the same men who had met the previous year, in the first continental congress. Their object was not to establish a new government, and they had no design and but little thought of independence. They hoped by united action, and a bold but temperate bearing, to exert such an influence upon parliament as to obtain a redress of their grievances. Before they had assembled, General Gage, in command of the British troops at Boston, had commenced open hostilities. Massachusetts sent a letter to congress giving an account of the battles of Lexington and Concord, and requesting the advice and assistance of the congress. The journal of congress shows that in this letter was the following suggestion: "With the greatest deference we beg to suggest that a powerful army on the side of America is considered by us as the only means left to stem the rapid progress of a tyrannical ministry." The congress at once appreciated the urgency of the case, and felt obliged to take measures to put the country in a state of defence, and so practically assume con-

trol over the military operations of the colonies. They organized the army, and appointed a commander-in-chief. They created a continental currency by issuing bills of credit. They established a treasury department and a post-office department, and from time to time adopted regulations concerning commerce; in fact, they drifted, apparently without design, into the exercise of sovereign powers.

THE DECLARATION OF INDEPENDENCE. — The manifestoes which the first continental congress put forth, with the hope that a redress of grievances could be obtained, failed to produce the results desired. Although the leaders in all the colonies were generally averse to independence, firmly supposing that their difficulties with the mother country could be satisfactorily adjusted, yet the drift was inevitably toward a separation. Early in the spring of 1775 the subject began to be seriously discussed by the delegates in congress. It is believed that North Carolina was the first to propose separation and independency. A convention in that state on the 22d of April authorized their delegates in congress "to concur with those in the other colonies in declaring independency." So far as is known, this was the first direct public act of any colonial assembly or convention in favor of the measure.

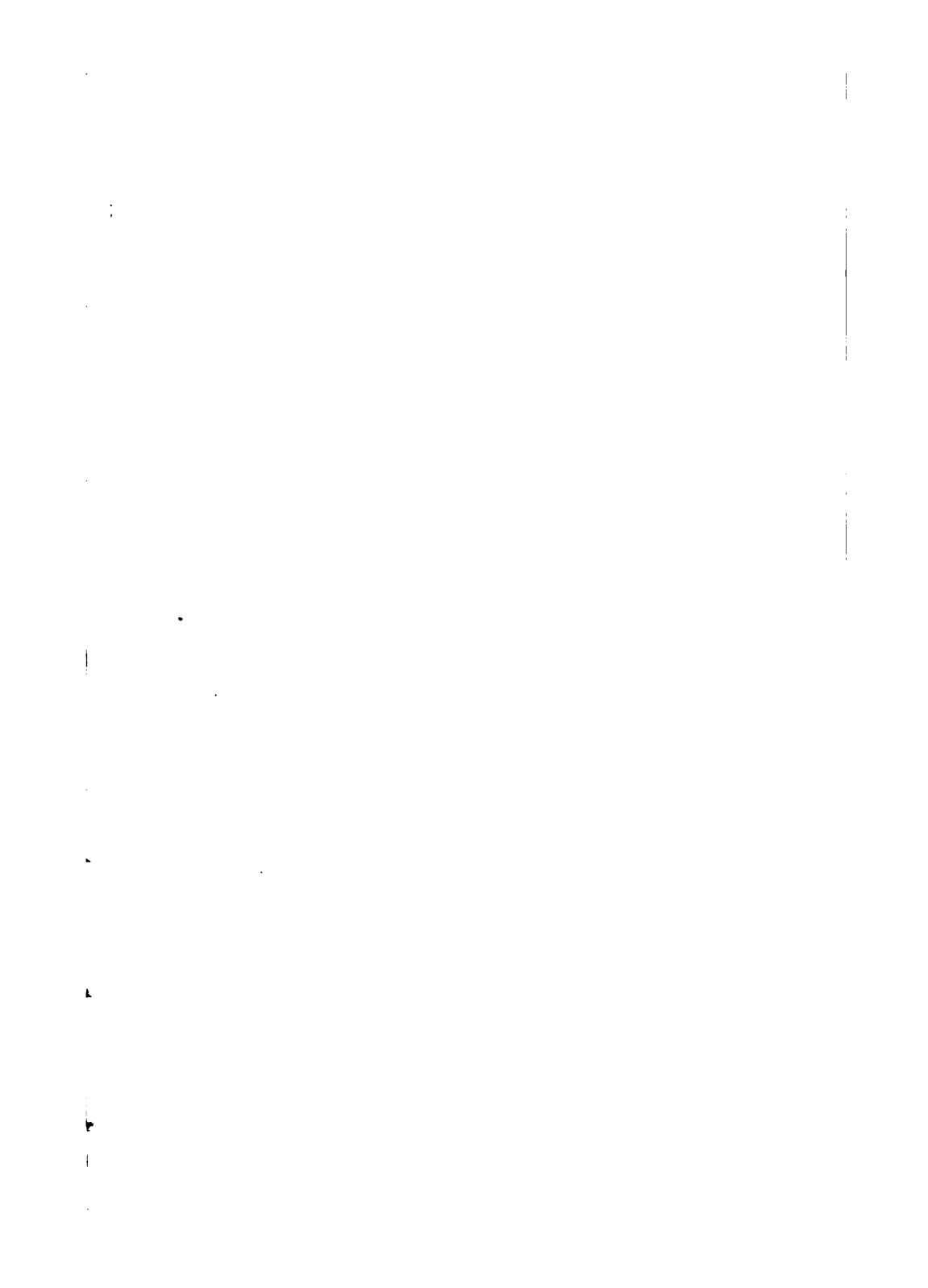
On the 4th of May, 1776, the legislature of Rhode Island passed an act abjuring allegiance to the British crown. This act provides that in all commissions of officers and legal forms and processes of law, "whenever the name and authority of the said king is made use of, the same shall be omitted, and there shall be substituted the words: 'The governor and company of

the English colony of Rhode Island and Providence Plantations," and that "the courts of law be no longer entitled or considered as the king's courts."

May 15 the convention of Virginia instructed their delegates in congress to propose to that respectable body to declare the united colonies a free and independent state, absolved from all allegiance or dependence upon the crown or the parliament of Great Britain.

Col. Richard Henry Lee, of Virginia, on the 7th of June, submitted to the congress a resolution, "that the united colonies are and ought to be free and independent states, that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is and ought to be dissolved."

It has been said that no question of greater magnitude was ever presented for the consideration of a deliberative body, or debated with more energy, eloquence, and ability. A committee was appointed to draft a declaration of independence. This committee consisted of the foremost men of that day: Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston. The resolution offered by Richard Henry Lee was adopted by congress on the 2d of July, and on the 4th of July the report of the committee was adopted. This remarkable paper received the unanimous vote of the congress. It was written by Thomas Jefferson, and contains these burning words: "That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted





THE STATE HOUSE, PHILADELPHIA, WHERE THE FEDERAL CONVENTION WAS HELD.

(REPRODUCED FROM AN OLD PRINT OF ONE HUNDRED YEARS AGO.)

among men, deriving their just powers from the consent of the governed." After reciting in full the specific acts of the king, which were considered "injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states," the declaration proceeds to say: "In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people." They concluded this wonderful document in these words: "We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do in the name and by the authority of the good people of these colonies, solemnly publish and declare that these united colonies are, and of right ought to be, free and independent states." "For the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortune, and our sacred honor."

This declaration by congress was the beginning of the nation. It was not the work of states, as such; but of a congress composed of delegates from all the states. These delegates represented the people, and it was, therefore, the people themselves of these thirteen colonies who declared themselves independent of Great Britain. They were no longer colonies; from this moment they were states: so that it is true that the nation and the states began their existence at the same time. Whether this new nation could maintain its independ-

ence, or whether it would fail, was the question now submitted to the arbitrament of war. They succeeded: their independence was acknowledged, and the national existence dates from this declaration.

## CHAPTER X.

### THE ARTICLES OF CONFEDERATION.

No sooner had the congress determined upon independence, than it took measures to determine upon a form of union between the colonies, and the establishment of a definite plan for this union. On the 11th of June, 1776, the very day when the committee was appointed for drafting a declaration of independence, another committee was also appointed to draft a plan of government. A month later, and only eight days after the declaration of independence, this committee reported a plan for a confederacy which consisted of twenty articles called "articles of confederation." This draft was debated and amended at various times, but was not finally adopted by the congress, until Nov. 15, 1777, and then the articles did not go into effect until the following July. They were not submitted to the people of the several states, but were only ratified by the delegates in congress. The delegates from New Jersey did not ratify the articles until November, 1778; and the delegates from Delaware, not until November, 1779; while Maryland, which was the last to ratify, signed the articles March 1, 1781. During all this time the national government consisted solely of the continental congress, which comprised but one house, with no executive and no judiciary. Indeed, after the articles of confederation had been adopted, and had gone into



effect between the several states, the same continental congress continued its sessions, but now under the authority of the articles of confederation. These articles, in fact, made but very little difference in the management of affairs.

Meantime the continental congress and the several states, acting with vigor and energy, had prosecuted the war zealously. The articles of confederation united the thirteen states, under the style of The United States of America, into a firm league of friendship with each other, for their defence, and to secure their liberties and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any pretence whatever. Not less than two nor more than seven delegates were to be chosen every year by each state to meet in congress, and, as heretofore, in deciding all questions, the votes were to be taken by states — each state having a single vote.

Congress should not engage in war, grant letters of marque and reprisal, enter into treaties or alliances, coin money or regulate its value, determine the sums necessary for the use of the United States, emit bills of credit, borrow money or appropriate money, designate the size of the army and navy, without the assent of nine states; nor could a question upon any other point, except adjournment from day to day, be determined unless by the votes of the majority of the states in congress.

Sheppard, in his Constitutional Text-Book says: "It was soon found that the plan detailed in the articles of

confederation was impracticable. It gave to the congress no means of enforcing its laws upon the states, and the states disregarded the recommendations of congress with impunity. The congress had no power to lay taxes or collect a revenue for the public service, nor could it regulate commerce, either with foreign nations or among the several states. The public debt incurred by the war was very great, and the articles of confederation in no way provided effectual means for its payment." "It became evident in a short time that distress and ruin would overspread the country, unless some different and more vigorous form of government was adopted. This discouraging state of affairs led to the proceedings which finally terminated in the formation and adoption of the present federal constitution."

The government of this country may be said to have passed through four forms:—

- (1) The Colonial.
- (2) The Revolutionary.
- (3) The Confederate.
- (4) The Constitutional.

The colonial governments ended July 4, 1776, when the declaration of independence was passed and the union was formed.

The revolutionary government, which practically commenced at the meeting of the first continental congress, or, as some would say, at the meeting of the second continental congress, assumed full powers at the declaration of independence, and continued to the final ratification of the articles of confederation, March 1, 1781.

The confederate government extended from the rati-

fication of the articles of confederation to the 4th of March, 1789, when the constitution, having previously been adopted, went into effect.

The constitutional government has been in operation from that time until the present, and to that we are now to direct our attention.

## CHAPTER XI.

### ADOPTION OF THE CONSTITUTION.

CONVENTION AT ANNAPOLIS. — An attempt, which originated with Virginia, was made early in the year 1786, for the appointment of commissioners by the several states to consider the subject of the trade and commerce of the United States, and how far a uniform system in their commercial regulations might be desirable and feasible for their common interest and permanent well-being. It was proposed that these commissioners report to the several states an act relative to this great object, which, when ratified by the states, would enable congress to better provide for the efficiency and unity of our commercial relations. It was agreed that commissioners should meet at Annapolis, Md., in September of that year. The meeting was held at the time and place appointed. Commissioners were present from Virginia, Delaware, Pennsylvania, New Jersey, and New York, — a minority of the states. Delegates had been appointed by New Hampshire, Massachusetts, Connecticut, and North Carolina, but they did not attend.

So small was the number of states represented, that the delegates did not think proper to proceed to the important business which had brought them together. They were also satisfied that they ought to be entrusted with more ample powers, embracing other objects in addition to the mere regulation of trade and commerce.

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They therefore prepared an address and a report to be submitted to congress, and to all the states to concur "in the appointment of commissioners to meet at Philadelphia on the second Monday in May, 1787, to take into consideration the situation of the United States, to devise such further provisions as should appear to them necessary to render the constitution of the federal government adequate to the exigencies of the union, and to report such an act for that purpose to the United States in congress assembled, as, when agreed to by them, and afterwards confirmed by the legislature of every state, will effectively provide for the same."

In February, 1787, the delegates from New York, having brought the matter before congress, that body, by resolution, declared that it was expedient "that the convention of delegates, who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the articles of confederation, and reporting to congress and the several legislatures, such alterations and provisions therein, as shall, when agreed to in congress and confirmed by the several states, render the federal constitution adequate to the exigencies of the government and the preservation of the union."

THE FEDERAL CONVENTION. — It was in obedience to this vote of congress, that there assembled at the state-house in Philadelphia, on the 14th day of May, 1787, a body of gentlemen, who, for experience in governmental affairs, knowledge of the history of nations, practical statesmanship, and pure patriotism, has seldom been equalled in the world's history. A majority of the states, however, not being represented, the members present

adjourned from day to day, until Friday, May 25. The convention then organized, and George Washington, a delegate from Virginia, was unanimously elected to preside over their deliberations. All the states were represented except Rhode Island. Many of the foremost men of the states were members of this convention. Among the most distinguished of them may be named, besides Washington : Benjamin Franklin, Robert Morris and Gouverneur Morris, of Pennsylvania ; Alexander Hamilton, of New York ; James Madison, of Virginia ; Charles Pinckney and Charles C. Pinckney, of North Carolina ; Roger Sherman, from Connecticut ; and Rufus King, from Massachusetts.

It will be borne in mind, from what has already been said, that the object of calling the convention was merely to revise the articles of confederation. It soon became apparent, however, to the convention that, in the judgment of the majority of the members present, the old form of government was so weak and defective, that the only wise and proper thing to be done was to form an entirely new constitution.

For full four months, from May to September, continuing their work vigorously through all the summer months, this convention proceeded, until, on the 17th of September, the constitution of the United States, which, with its several amendments, since adopted, is now the supreme law of this country, was adopted and signed by the members of the convention. This convention is known as the federal convention. Its debates, so far as they have been preserved in the journal of the convention, and in the Madison papers and otherwise, are of a most interesting character, and well worth the

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study of any statesman of any country, and of all times. There were great difficulties in the way of forming a new constitution. These difficulties arose from the jealousies existing among the states, the difference in their extent, their wealth, population, habits, religion, education, and political views. Nothing but a wise and patriotic spirit of mutual concession and moderation could have overcome such obstacles. In many respects the constitution was a matter of compromise; the several states and the several sections of the country each yielding something for the public good.

The convention directed that the new constitution should be laid before congress, and that if ratified by that body, it should be recommended to a convention of delegates chosen in each state by the people thereof, who should vote whether they would recommend its adoption or not; and as soon as nine states had ratified it, congress should take measures for the election of a president, and should fix the time and place for commencing the proceedings under the new constitution.

THE CONSTITUTION APPROVED. — On the 28th of September, 1787, congress approved of the constitution, and voted to transmit it to the legislatures of the several states, in order that it might be submitted to a convention of delegates chosen in each state by the people thereof. These conventions were held in the several states, and the new system was discussed with great ability and great zeal, amid many conflicting opinions. The opposition to it in several of the states was very vigorous and bitter. It was, however, finally adopted by the requisite number of states, and on the 17th of September, 1788, congress having been notified

of its ratification by the conventions of all the states except North Carolina and Rhode Island, "resolved that the first Wednesday in January, 1789, should be the day for appointing electors in the several states which had ratified the constitution; that the first Wednesday of the February following should be the day for the electors to assemble and vote for a president; and that the first Wednesday in March following should be the time for commencing operations under the constitution at New York, which was then the seat of government."

WASHINGTON, PRESIDENT. — The first Wednesday of March, 1789, was the fourth day of the month, and that date, therefore, became fixed as the day of the inauguration of the president. George Washington was unanimously elected president, and John Adams was elected vice-president. Senators and representatives were elected by the eleven states which had ratified the constitution, and these having assembled, on Wednesday, the 4th day of March, 1789, the new constitution of the United States went into legal operation, and proceedings were commenced under it.

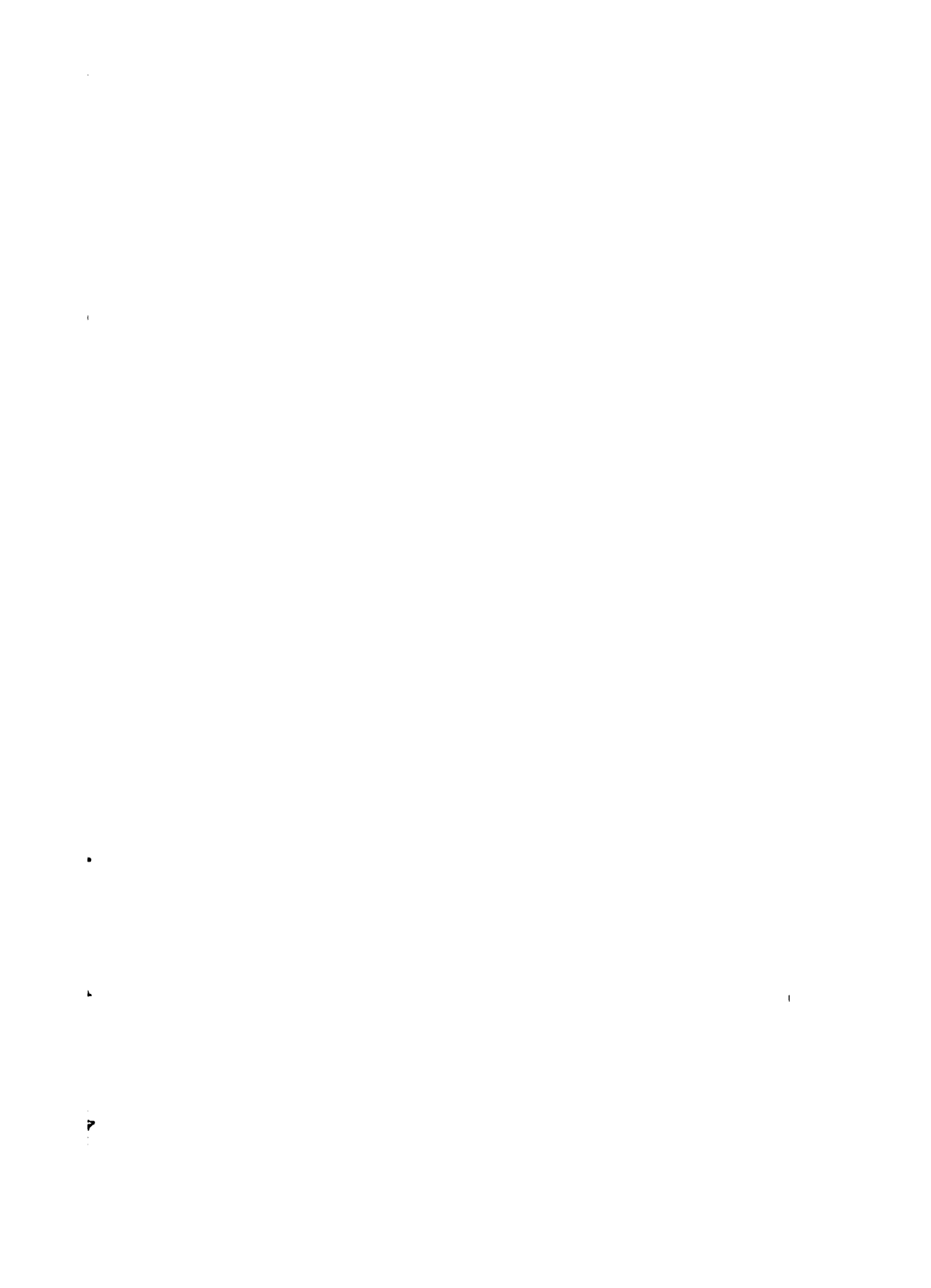
A quorum of members did not, however, appear until the first day of April, and upon that day congress began the transaction of business. The electoral votes were not counted, however, until the 6th of April. On Thursday, April 30, George Washington took the oath required by the constitution, and delivered his inaugural address. On the next day John Adams took his seat as president of the senate.

North Carolina ratified the constitution in November, 1789, and Rhode Island, in May, 1790.



DATES OF RATIFICATION.—The following are the dates of ratification of the constitution by each of the original thirteen states :—

- (1) Delaware, Dec. 7, 1787.
- (2) Pennsylvania, Dec. 12, 1787.
- (3) New Jersey, Dec. 18, 1787.
- (4) Georgia, Jan. 2, 1788.
- (5) Connecticut, Jan. 9, 1788.
- (6) Massachusetts, Feb. 6, 1788.
- (7) Maryland, April 28, 1788.
- (8) South Carolina, May 23, 1788.
- (9) New Hampshire, June 21, 1788.
- (10) Virginia, June 26, 1788.
- (11) New York, July 26, 1788.
- (12) North Carolina, Nov. 21, 1789.
- (13) Rhode Island, May 29, 1790.





THE NATIONAL CAPITOL.

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## PART II.

### THE GOVERNMENT UNDER THE CONSTITUTION.

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### THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

WE the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

#### ARTICLE. I.

SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2. <sup>[1]</sup>The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

<sup>[2]</sup>No person shall be a Representative who shall not have attained to the Age of twenty five years, and been seven Years

[NOTE.—The small figures in brackets are not in the original, but have been added subsequently, to mark the different clauses in a section. In reprinting the constitution here, the spelling, punctuation, and capitalization of the original have been preserved.]

a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

<sup>[3]</sup> Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative ; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

<sup>[4]</sup> When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

<sup>[5]</sup> The House of Representatives shall chuse their Speaker and other officers ; and shall have the sole Power of Impeachment.

SECTION. 3. <sup>[1]</sup> The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years ; and each Senator shall have one Vote.

<sup>[2]</sup> Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class

shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third class at the Expiration of the sixth Year, so that one-third may be chosen every second Year ; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

<sup>[3]</sup> No person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

<sup>[4]</sup> The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

<sup>[5]</sup> The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

<sup>[6]</sup> The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside : And no Person shall be convicted without the Concurrence of two thirds of the Members present.

<sup>[7]</sup> Judgment in Cases of Impeachment shall not extend further than to removal from Office, and Disqualification to hold and enjoy any Office of honour, Trust or Profit under the United States : but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. <sup>[1]</sup>The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof ; but the Congress may

at any time by Law make or alter such Regulations, except as to the places of chusing Senators.

[<sup>2</sup>] The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. [<sup>1</sup>] Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business ; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

[<sup>2</sup>] Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

[<sup>3</sup>] Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy ; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

[<sup>4</sup>] Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. [<sup>1</sup>] The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same ; and for any speech or debate in either House, they shall not be questioned in any other Place.

[<sup>2</sup>] No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time ; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. [<sup>1</sup>] All Bills for raising Revenue shall originate in the House of Representatives ; but the Senate may propose or concur with Amendments as on other Bills.

[<sup>2</sup>] Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States ; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

[<sup>3</sup>] Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States ; and before the Same shall take Effect, shall be approved by him, or being



disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. The Congress shall have Power

<sup>[1]</sup> To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States ; but all Duties, Imposts and Excises shall be uniform throughout the United States ;

<sup>[2]</sup> To borrow Money on the credit of the United States ;

<sup>[3]</sup> To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes ;

<sup>[4]</sup> To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States ;

<sup>[5]</sup> To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures ;

<sup>[6]</sup> To provide for the Punishment of counterfeiting the Securities and current Coin of the United States ;

<sup>[7]</sup> To establish Post Offices and post Roads ;

<sup>[8]</sup> To promote the progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries ;

<sup>[9]</sup> To constitute Tribunals inferior to the supreme Court ;

<sup>[10]</sup> To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations ;

<sup>[11]</sup> To declare War, grant letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water ;

<sup>[12]</sup> To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years ;

<sup>[13]</sup> To provide and maintain a Navy ;

<sup>[14]</sup> To make Rules for the Government and Regulation of the land and naval Forces ;

<sup>[15]</sup> To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions ;

[16] To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the Discipline prescribed by Congress ;

[17] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings ;— And

[18] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION. 9. [1] The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each Person.

[2] The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

[3] No Bill of Attainder or ex post facto Law shall be passed.

[4] No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

[5] No Tax or Duty shall be laid on Articles exported from any State.

[6] No Preference shall be given by any Regulation of Com-

merce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

<sup>[7]</sup> No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

<sup>[8]</sup> No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. <sup>[1]</sup> No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

<sup>[2]</sup> No State shall, without the consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

<sup>[3]</sup> No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay.

## ARTICLE. II.

SECTION. 1. <sup>[1]</sup> The executive Power shall be vested in a President of the United States of America. He shall hold his

Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

<sup>[2]</sup> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress : but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

\* <sup>[3]</sup> The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each ; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed ; and if there be more than one who have such Majority and have an equal number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President ; and if no Person have a Majority, then from the five highest on the List the said House shall in like manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote ; a Quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a choice. In every Case, after the Choice of the President, the Person having the greatest Number

\* This clause has been superseded by the 12th amendment, on page 80.

of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

<sup>[4]</sup>The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

<sup>[5]</sup>No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

<sup>[6]</sup>In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

<sup>[7]</sup>The President shall, at stated Times, receive for his services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

<sup>[8]</sup>Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: —

“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

SECTION. 2. <sup>[1]</sup>The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the

United States ; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

<sup>[2]</sup> He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur ; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law : but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

<sup>[3]</sup> The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient ; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the time of Adjournment, he may adjourn them to such Time as he shall think proper ; he shall receive Ambassadors and other public Ministers ; he shall take Care that the Laws be faithfully executed, and shall Commission all the officers of the United States.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

## ARTICLE. III.

SECTION. 1. The Judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation which shall not be diminished during their Continuance in Office.

SECTION. 2. <sup>[1]</sup>The Judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority ;— to all Cases affecting Ambassadors, other public Ministers and Consuls ;— to all Cases of admiralty and maritime Jurisdiction ;— to Controversies to which the United States shall be a Party ;— to Controversies between two or more States ;— between a State and Citizens of another State ;— between Citizens of different States, — between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

<sup>[2]</sup>In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

<sup>[3]</sup>The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury ; and such Trial shall be held in the State where the said Crimes shall have been committed ; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION. 3. <sup>[1]</sup>Treason against the United States, shall con-

sist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

[2] The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE. IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.

SECTION. 2. [1] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

[2] A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[3] No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION. 3. [1] New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the Jurisdiction of any other State ; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

[2] The Congress shall have Power to dispose of and make all



needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion, and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

#### ARTICLE. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States; or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

#### ARTICLE. VI.

[<sup>1</sup>] All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

[<sup>2</sup>] This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land; and the Judges in every

State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

<sup>(3)</sup>The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution ; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. **In Witness** whereof We have hereunto subscribed our Names,

G<sup>o</sup> WASHINGTON —

*Presidt and deputy from Virginia*

NEW HAMPSHIRE.

JOHN LANGDON

NICHOLAS GILMAN

MASSACHUSETTS.

NATHANIEL GORHAM

RUFUS KING

CONNECTICUT.

WM SAML JOHNSON

ROGER SHERMAN

NEW YORK.

ALEXANDER HAMILTON

NEW JERSEY.

WIL LIVINGSTON

DAVID BREARLEY

WM PATERSON

JONA DAYTON

PENNSYLVANIA.

B FRANKLIN  
ROBT MORRIS  
THO FITZSIMONS  
JAMES WILSON

THOMAS MIFFLIN  
GEO CLYMER  
JARED INGERSOLL  
GOUV MORRIS

DELAWARE.

GEO READ  
JOHN DICKINSON  
JACO BROOM

GUNNING BEDFORD, Jun'r  
RICHARD BASSETT

MARYLAND.

JAMES M'HENRY  
DANL CARROLL

DAN OF ST THOS JENIFER

VIRGINIA.

JOHN BLAIR

JAMES MADISON, Jr

NORTH CAROLINA.

WM BLOUNT  
HU WILLIAMSON

RICH'D DOBBS SPAIGHT

SOUTH CAROLINA.

J RUTLEDGE  
CHARLES PINCKNEY

CHARLES COTESWORTH PINCKNEY  
PIERCE BUTLER

GEORGIA.

WILLIAM FEW

ABR BALDWIN

Attest :

WILLIAM JACKSON, *Secretary.*

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ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE  
CONSTITUTION OF THE UNITED STATES OF AMERICA,

*Proposed by Congress, and ratified by the Legislatures of the  
several States, pursuant to the fifth article of the original  
Constitution.*

(ARTICLE I.)

Congress shall make no law respecting an establishment of  
religion, or prohibiting the free exercise thereof ; or abridging

the freedom of speech, or of the press ; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

(ARTICLE II.)

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

(ARTICLE III.)

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

(ARTICLE IV.)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(ARTICLE V.)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger ; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb ; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law ; nor shall private property be taken for public use, without just compensation.

(ARTICLE VI.)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which

district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have Compulsory process for obtaining Witnesses in his favour, and to have the Assistance of Counsel for his defence.

(ARTICLE VII.)

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

(ARTICLE VIII.)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(ARTICLE IX.)

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

(ARTICLE X.)

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

(ARTICLE XI.)

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

(ARTICLE XII.)

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at

least, shall not be an inhabitant of the same state with themselves ; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate ;— The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted ;— The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed ; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. — The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President ; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to

the office of President shall be eligible to that of Vice-President of the United States.

(ARTICLE XIII.)

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECT. 2. Congress shall have power to enforce this article by appropriate legislation.

(ARTICLE XIV.)

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECT. 2. Representatives shall be apportioned among the several States, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens, twenty-one years of age, in such State.

SECT. 3. No person shall be a senator or representative in

Congress, or elector of president or vice-president, or hold any office, civil or military, under the United States or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each house remove such disability.

SECT. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave ; but all such debts, obligations, and claims shall be held illegal and void.

SECT. 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

(ARTICLE XV.)

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SECT. 2. The Congress shall have power to enforce this article by appropriate legislation.



## CHAPTER I.

### THE PREAMBLE.

THE constitution is the fundamental law of the country. It may be written in one document, as in our case, or it may be made up of judicial decisions, legislative acts, concessions from the crown to the people, etc., as in the case of Great Britain. Our written constitution gives us great advantages over those countries where the constitution does not consist of one written document. Our government is necessarily more systematic and uniform in its operations than would be possible without the written constitution.

This constitution enumerates the principles embodied in the government, the political rights of the citizens, and analyzes the powers of the government, showing how they are organized, distributed, and administered.

Any act of congress and any act of a state legislature, which should be pronounced by the supreme court of the United States contrary to the constitution, would be null and void. The constitution is "the supreme law of the land."

THE PREAMBLE. — The constitution commences with the following declaration: "*We, the people of the United States, in order to form a more perfect union, insure justice, insure domestic tranquillity, provide for our common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our*

*ordain and establish this constitution for the United States of America."*

This part of the constitution is termed the "Preamble." This term is sometimes applied to the enacting clause of a statute or law. In that case it declares the design or motive of the law, and is substantially the enacting clause; for instance, in Michigan, it may be: "The people of the state of Michigan enact," or, in the case of the congress: "Be it enacted by the senate and house of representatives of the United States in congress assembled." In Rhode Island the form observed is: "It is enacted by the general assembly as follows."

This preamble is a part of the constitution itself, and not merely an enacting clause. It contains several important lessons for us to study.

In the first place, it should be observed that the source of power is here perfectly authoritative, being *the people*: "We, the people of the United States, do ordain and establish this constitution." The language is explicit and peremptory: "ordain and establish." It is definite in regard to the subject: "this constitution." It is broad, extensive, and distinct in its purposes and ends, — "justice," "tranquillity," "defence," "welfare," "liberty."

To summarize, we have here:—

- (1) The authority, "We, the people of the United States."
- (2) The ends for which the constitution was made. These ends are given in six particulars.
- (3) The ordaining and establishing this constitution.
- (4) The nation by name, for which this constitution

is to become the supreme law: "The United States of America."

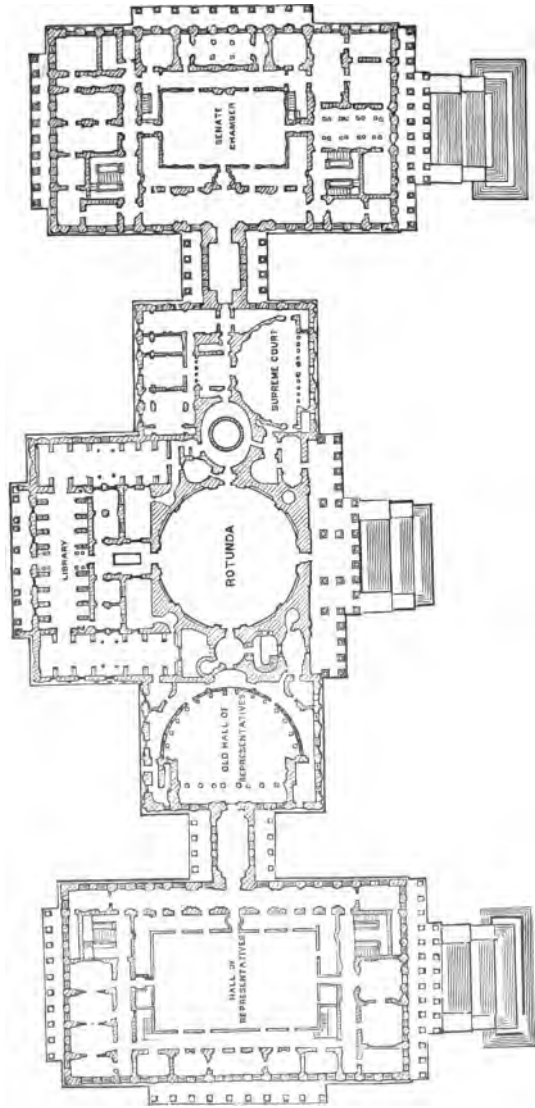
Some important inferences are to be drawn from the peculiar phraseology of this preamble. It was ordained by the people of the United States as a nation. The people having cast off their allegiance to Great Britain, and having become a separate nation, had the right to establish, and so did establish, this constitution by which they were to be governed. They assumed a national name: "The United States of America." The principles for which the constitution was established are stated with fulness and great clearness:—

- (1) To form a more perfect union.
- (2) To establish justice.
- (3) To insure domestic tranquillity.
- (4) To provide for the common defence.
- (5) To promote the general welfare.
- (6) To secure the blessings of liberty to themselves and their posterity.

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FLOOR PLAN OF THE CAPITOL AT WASHINGTON.

## CHAPTER II.

### THE THREE DEPARTMENTS OF GOVERNMENT.

BEFORE considering the separate articles of the constitution it is necessary to observe that the powers of government, whether national or state, are under three heads:—

- (1) The legislative power.
- (2) The executive power.
- (3) The judicial power.

The legislative power is the power of the law-making branch of the government, under whatever form it may be, whether the whole people assembled in town meeting, the city council, the state legislature, in one body or in two bodies, as it may be; or the national legislature, in one body, as was the continental congress, or in two bodies, as is the case now under the constitution.

After the laws are enacted it is necessary that they should be executed, and the proper execution of them must become a duty of some specified officer or officers. It is better that there should be one executive head, rather than that the power should be divided among several persons. Hence we have as the executive of a city, the mayor; of the state, the governor; of the nation, the president.

Then the judicial power supplements these two by interpreting and defining the meaning of the laws, and rendering decisions in individual cases. It is sometimes

supposed that these three departments of government are absolutely distinct and separate from each other; this, however, is not the case, and cannot be.

The peculiar form of our government grew up out of the circumstances in which the people found themselves at the time the government was organized. Our government took on many forms from Great Britain. In that country the legislative power included the house of lords and the house of commons. From this arose in the colonies, and also in the nation, the lower house, as it was called, that is, the house of representatives, and the council, which composed the upper house. Moreover, when the constitution was framed, there was jealousy between the larger and the smaller states. From these facts came the division of the legislative department into two branches: the senate, to represent the equality of the states; and the house of representatives, to represent the people. In this respect the states have all agreed, and in their constitutions, have followed the same course.

The constitution contains seven articles:—

Article I. relates to the legislative power.

Article II. relates to the executive power.

Article III., to the judicial power.

Article IV., to various subjects.

Article V., to the mode of amending the constitution.

Article VI., to the validity of contracts made prior to the constitution and to its supremacy.

Article VII., to the mode of its ratification.

Since the adoption of the constitution, fifteen amendments have been added, which are just as binding as the original articles.

## CHAPTER III.

### ARTICLE I : THE LEGISLATIVE DEPARTMENT.

SECTION I. *“All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.”*

The legislative department is in some respects the most important branch of our government. This department consists of : —

- (1) The senate.
- (2) The house of representatives.
- (3) The president (with the veto power).

In the several states the law-making power consists of —

- (1) The senate.
- (2) The house of representatives.
- (3) The governor (with the veto power in many states).

In the national legislature the senate represents the states, and the house of representatives represents the people. In the states these two houses, which are sometimes called the upper and lower house, form what is in many states called the general assembly, sometimes the legislature, or the general court.

In the states the house of representatives usually represents the population ; and the senate, counties or districts. There are advantages in dividing the legislative power between two houses. Among them are the following : Hasty legislation under some temporary excite-



ment is checked by the delay necessary in considering a bill in two separate bodies of men. Ample time is thus secured for reflection and inquiry. Laws are less likely to be passed from private and personal influence, and for private and personal ends. The laws are likely to be framed more wisely, because after being passed by one house, they may be altered and revised in the other.

SECTION 2, CLAUSE 1. "*The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.*"

Here are three statements :—

(1) The members of the house are chosen for two years.

(2) They are chosen by the "people of the several states."

(3) The qualifications for voting for a representative in congress are the same as the qualifications fixed by each state, for voting for a member of the house of representatives in that state; that is, whoever is qualified under the state law to vote for a member of the house of representatives in that state, is qualified according to this constitution to vote for a member of the national house of representatives.

The first congress went into operation March 4, 1789, the members of the house holding their seats for two years. On the 4th of March, therefore, in every second year,—in other words, in all the odd years,—a new congress begins its term.

CLAUSE 2. "*No person shall be a representative who*

*shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen."*

The qualifications for a member of the national house are three: —

- (1) He must be at least twenty-five years of age.
- (2) He must have been for seven years a citizen of the United States.
- (3) He must be an inhabitant of the state in which he shall be chosen; that is, he must be living in that state at the time of the election. It is not necessary that he should have lived there long enough to have acquired a legal residence.

These are the only qualifications for a representative required by the constitution, and the states have no right to require additional qualifications.

ARTICLE XIV. OF THE AMENDMENTS, SECTION 2, CLAUSE 1. "*Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed.*"

This clause takes the place of the third clause in the section we are now considering.

The original constitution included in this basis of representation three-fifths of the slaves. Here was one of the compromises between the free states and the slave states in the formation of the constitution. Happily slavery is now abolished, and the amendment as stated above is now in force.

SECTION 2, PART OF CLAUSE 3. "*The number of representatives shall not exceed one for every thirty thou-*

*sand, but each state shall have at least one representative."*

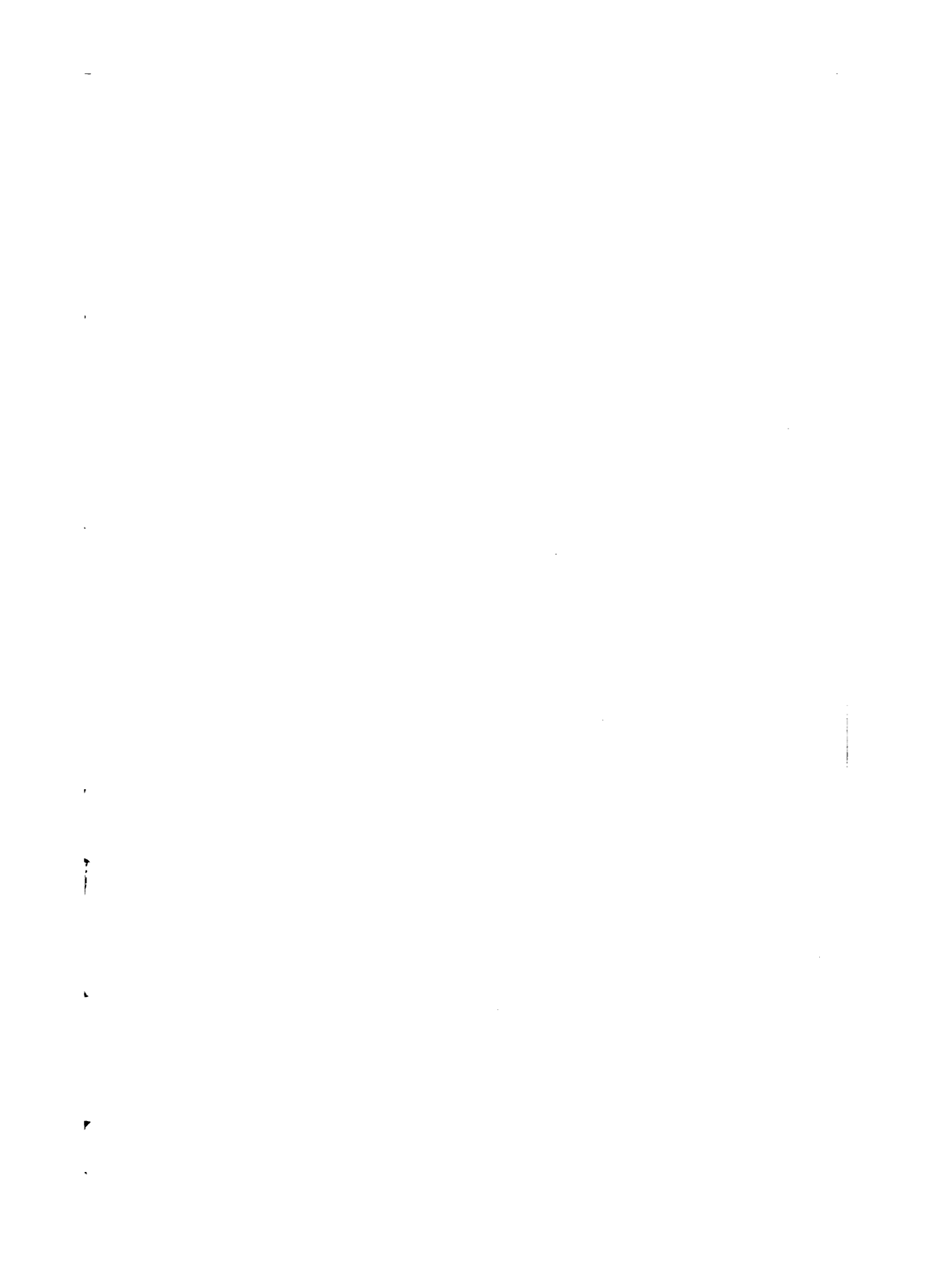
The number of representatives, which is fixed by a law of congress once in ten years, has increased from sixty-five, in 1789, to three hundred and twenty-five for the present decade, 1883 to 1893. The population for one representative has increased from thirty-three thousand in 1789 to one hundred and fifty-one thousand nine hundred and twelve for the present decade.

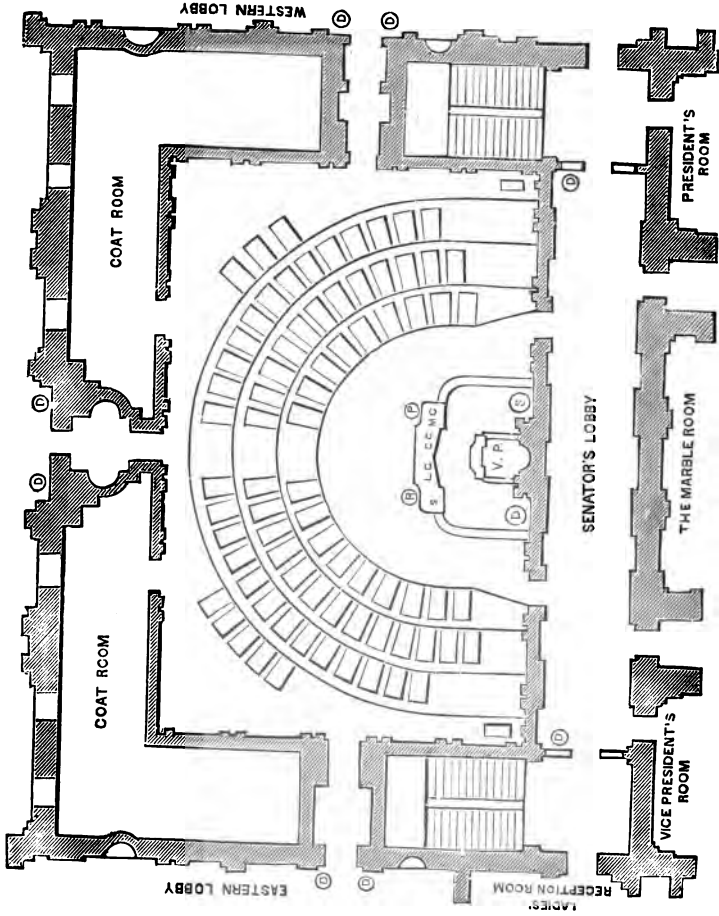
CLAUSE 5. "*The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.*"

The speaker is the presiding officer of the house, and the other officers are :—

- (1) Clerk.
- (2) Sergeant-at-arms.
- (3) Door-keeper.
- (4) Postmaster.
- (5) Chaplain.

In case the president or any officer of the United States is to be impeached, the articles of impeachment are framed by the house of representatives, and the senate has the sole power to try the person impeached. If it is proposed that an officer should be impeached, the house appoints a committee to inquire into the conduct of that officer. If it reports in favor of impeachment, the house votes upon that question; and if a majority vote for impeachment, then articles are prepared, which embody the charges made, and a vote is taken upon these charges. A committee is then appointed to prosecute the impeachment before the senate.





THE SENATE CHAMBER, WASHINGTON.

## CHAPTER IV.

### THE SENATE.

SECTION 3, CLAUSE I. "*The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.*"

This peculiar composition of the senate grew out of the natural jealousy existing between the states. At the declaration of independence the several colonies became states without changing their boundaries. The little colony of Rhode Island became the state of Rhode Island. The immense territory of Virginia was included in the state of Virginia. From the beginning, in the continental congress, all votes were taken by states, each state having one vote. The small states, therefore, had equal votes with the larger ones; and this basis of representation was continued under the articles of confederation. When the federal convention undertook to form a constitution, the smaller states were fearful that they should be compelled to lose their equal rights; hence Rhode Island refused to send delegates to the convention, and therefore had no hand in drafting the constitution. Indeed, after it was adopted by the other states, she remained outside of the new union for more than a year after Washington had been inaugurated president. After considerable discussion in the federal convention, a

compromise was effected, by which the basis of population was adopted for constituting the house of representatives, and the equality of the states was retained in the senate.

This clause states :—

(1) There shall be two senators from each state.

(2) They shall be chosen by the legislature of the state.

(3) They shall be chosen for the term of six years.

(4) Each senator shall have one vote.

In regard to the mode in which the legislatures are to choose the senators, the constitution is silent.

By an act of congress passed July 25, 1866, it is provided that when the legislature of any state is to elect a senator in congress, it shall proceed to the election of such senator on the second Tuesday after the organization of the legislature, and the election shall be conducted as follows :—

Each house shall, by a *viva voce* vote, name a person for senator, and the name of the person who receives a majority vote shall be entered in the journal of the house. If the house fails to give such a majority to any person, that fact shall be entered on the journal. On the next day at twelve o'clock the members of the two houses shall convene in joint assembly, and the journal of each house shall be read, and if the same person has received a majority of all the votes in each house, he shall be declared fully elected senator. If no one has such a majority, the joint assembly shall choose, by a *viva voce* vote of each member present, a person for senator. The person having a majority of all the votes of the joint assembly shall be declared elected. If there

is no election that day, the joint assembly shall meet at twelve o'clock on each succeeding day, and shall take at least one vote each day until a senator is elected.

The senators are divided into three classes, and as they are chosen for six years, one third of the whole number is chosen every second year. The representatives are chosen for two years, which is the length of time covered by one congress. Whenever a new congress convenes, one-third of the senators are either new members, or have been re-elected for a new term. It will be observed, that as one-third of the senators go out of office every two years, the senate is a continuous body; while the members of the house are all swept off at once, and a new election brings in a new house every second year.

CLAUSE 3. "*No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.*"

The qualifications of a senator are three:—

- (1) He must be at least thirty years of age.
- (2) He must have been nine years a citizen of the United States.
- (3) He must, when elected, be an inhabitant of the state for which he is chosen.

No restriction is placed upon a senator as to property or religious belief. It is not necessary that he should have resided in the state for any definite length of time. He does not forfeit his seat in the senate if he ceases to be an inhabitant of the state for which he was chosen. The legislature of his state cannot recall him. He is



eligible to re-election. Several examples are on record of senators who have served their state for more than twenty-five years.

CLAUSE 4. "*The vice-president of the United States shall be president of the senate, but shall have no vote unless they be equally divided.*"

The vice-president is chosen to succeed to the presidency in case there should, for any cause, be a vacancy during the term of four years for which the president had been elected. But for this clause, the vice-president, so long as the president continued in office, would have no duties. The presiding officer of the house is a member of the house. In the senate, as each state has an equal voice, it seemed desirable that the presiding officer should not be a member of the senate. Moreover, the vice-president would probably be more impartial as a presiding officer than a senator would be, since he is elected by the whole country, and not by a single state.

CLAUSE 5. "*The senate shall choose their officers, and also a president PRO TEMPORE, in the absence of the vice-president, or when he shall exercise the office of president of the United States.*"

The officers of the senate are :—

- (1) A secretary.
- (2) Chief clerk.
- (3) Executive clerk.
- (4) Sergeant-at-arms.
- (5) Door-keeper.
- (6) Chaplain.

When the vice-president becomes president of the United States, the president *pro tempore* receives the

salary of the vice-president. The president *pro tempore* is not restricted to a casting vote. He has his vote as a senator upon all questions.

CLAUSE 6. "*The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the members present.*"

There have been seven cases of impeachment under the constitution :—

- (1) That of William Blount, senator, in 1799; acquitted.
- (2) John Pickering, judge, 1803; convicted and removed from office.
- (3) Samuel Chase, judge, 1804; acquitted.
- (4) James H. Peck, judge, 1830; acquitted.
- (5) West H. Humphries, judge, 1862; convicted.
- (6) Andrew Johnson, president, 1868; acquitted.
- (7) W. W. Belknap, secretary of war, 1876; acquitted.

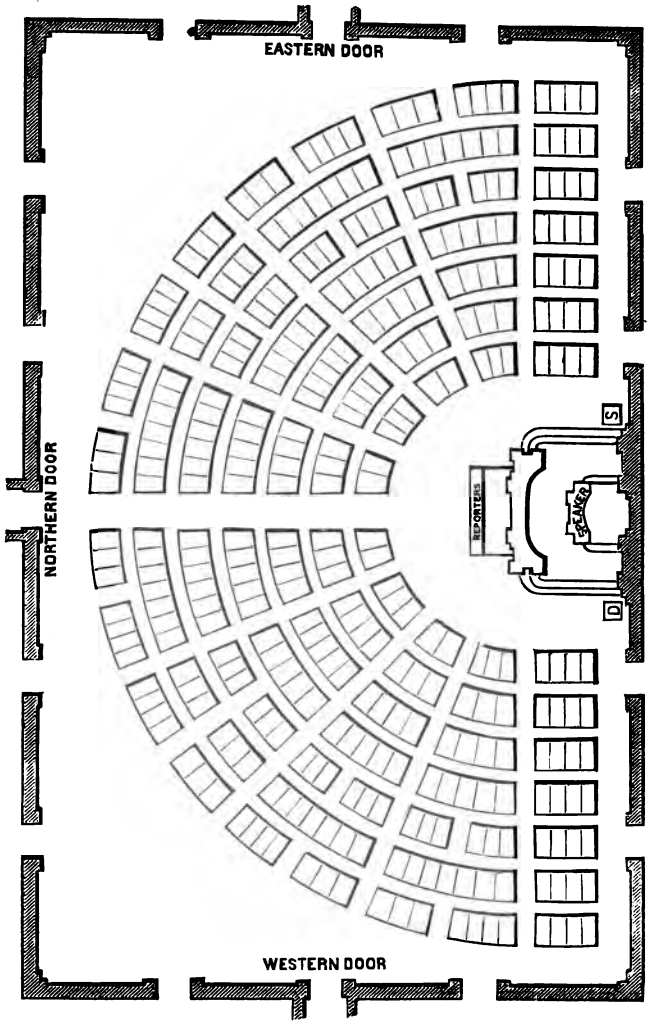
CLAUSE 7. "*Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.*"

In a subsequent article it is provided that a civil officer of the United States who shall have been impeached and convicted "*shall be removed from office.*" This clause provides, furthermore, that he may be punished by disqualification to hold office.

If the senate convict an officer on impeachment, the

punishment cannot be less than removal from office, nor can it be greater than removal and disqualification combined. Judge Pickering was removed from office only. Judge Humphries was removed and disqualified.





THE HALL OF THE HOUSE OF REPRESENTATIVES, WASHINGTON.

## CHAPTER V.

### PROVISIONS RELATING TO BOTH HOUSES OF CONGRESS.

SECTION 4, CLAUSE 2. *"The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day."*

This clause makes it obligatory upon each congress to have at least two sessions. A new congress comes into existence on the fourth of March in each odd year. The first regular session will begin on the first Monday of December following. This session may hold, if the two houses choose, through the entire year, or they may adjourn at any time during the year. Their second regular session must begin on the first Monday of December following, and that session must close by the 4th of March following, when the new congress comes into existence.

SECTION 5, CLAUSE 1. *"Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide."*

This is an important provision. On general principles it might be supposed that as these senators and representatives are elected by the several states, the certifi-

cate of election furnished by the state would be conclusive evidence that the person holding it is entitled to a seat, but this clause makes each house the judge of the election, returns, and qualifications of its own members.

Were this power not given to congress, a state, if it chose, could violate the provisions of the constitution, and send persons to congress who were not eligible, or a party in power in that state might furnish a certificate of election to the wrong person, thus depriving the majority of their rights. Each house has a committee on elections, to whom all doubtful cases are referred. This committee makes its report, and the house decides by a majority vote. From this decision there is no appeal.

SECTION 5, CLAUSE 2. *“Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.”*

It is the custom at the beginning of each congress, for each house to adopt the rules of that house in the previous congress, and a committee is appointed to report new rules.

The power to punish a member has been exercised by each house. William Blount, senator from Tennessee, was expelled from the senate in 1797; and Jesse D. Bright, senator from Indiana, was expelled in 1863. Senator Blount was impeached, and on his trial the senate decided that a member of either house of congress was not an officer of the United States, within the meaning of the law.

Preston S. Brooks, a member of the house from South Carolina, was censured by the house for his assault on

senator Sumner, but was not expelled. He resigned his seat, and was re-elected without opposition.

SECTION 6, CLAUSE I. "*The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.*"

Although the members of congress are elected by the several states, this clause provides that they be paid out of the national treasury. Under the articles of confederation, each state paid its own members of congress. In the British Parliament the members receive no compensation.

It was supposed by many members of the federal convention that the senate would represent the wealth of the country. This to a great extent has proved true. The proposition was made in the convention, that no salary be allowed to the senators. This proposition received the approval of Dr. Franklin, but it was voted down by a bare majority. Congress has, from time to time, increased the compensation of its members from six dollars a day in the house, and seven dollars a day in the senate, until, by a law passed in 1874, the compensation of each senator was fixed at eight thousand dollars per annum, and the salary of each representative at five thousand dollars. The pay of the speaker of the house and of the vice-president, or if there is none, the president of the senate *pro tempore*, is eight thousand dollar



per annum. In addition to his salary every member of either house is allowed mileage, in coming and going between his home and congress, twenty cents per mile for every mile of travel by the usual route.

CLAUSE 2. "*No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.*"

The object of the first part of this clause was to prevent corruption, by diminishing the temptation to create remunerative offices to be filled by the members themselves. Unlike the British Parliament, this prevents cabinet officers from being members of congress.

SECTION 7, CLAUSE 1. "*All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.*"

This clause is copied from the custom of the British Parliament. There, revenue bills must originate in the house of commons. There is very little necessity in our present circumstances for this restriction. Raising revenue is understood to be confined to levying taxes. It is the custom for the senate to originate bills which look toward the raising of money, or which will require the raising of money, as for example, bills to establish post-offices, the mint, and to regulate the sale of public land, etc.

CLAUSE 2. "*Every bill which shall have passed the house of representatives and the senate, shall, before it*

*become a law, be presented to the president of the United States ; if he approve, he shall sign it ; but if not, he shall return it with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless congress, by their adjournment, prevent its return, in which case it shall not be a law."*

This clause prescribes particularly the method of passing a bill, that is, of enacting a law by congress. This method, briefly stated, is as follows :—

A bill originates in one house, is read twice, either in full or by title, is discussed if necessary, is passed to the third reading, ordered to be engrossed, and when engrossed is sent to the other house with the signature of the presiding officer and the clerk. It is there considered in like manner, and when passed and properly signed is sent to the president ; if he shall sign it, it becomes a law, and the official copy is deposited for preservation in the office of the secretary of state. If the president does not approve of the bill, he returns it "with his objections to the house in which it shall have

originated, who shall enter the objections at large in their journal, and proceed to reconsider it." If the vote shows less than two-thirds of the house in its favor, the bill is killed. If two-thirds or more vote in favor of the bill it is sent to the other house. If less than two-thirds favor the passage of the bill it fails ; but, if two-thirds or more vote in favor of the bill, it becomes a law in spite of the president's veto.

Sometimes the president does not approve a bill, and yet is unwilling to veto it, in which case the constitution prescribes, that if the president does not return it to the house where it originated within ten days (Sundays excepted), it becomes a law without his signature. This would hold in all cases, except when congress, by their adjournment, should prevent its return. It is, therefore, possible for the president to prevent any bill which has been sent to him within ten days of the adjournment of congress from becoming a law. In case of such a bill, which the president does not approve, he has only to retain it, and it fails to become a law.

## CHAPTER VI.

### THE POWERS OF CONGRESS.

WE come now to the consideration of the powers vested by this constitution in the congress. It should be remembered that when the constitution was framed, the controversy was sharp and spirited between those who favored bestowing large powers upon the national government, and those who, fearing that evils would result from such a course, were strenuous in their belief that large powers should be retained by the governments and the people of the several states. In consequence of this controversy Section 8 of Article I. of the constitution defines somewhat minutely special subjects upon which congress shall have power to legislate. This section, however, does not contain an exhaustive enumeration of the powers of congress, and does not mean that congress shall not legislate on any subjects not here enumerated. This is evident from the 18th clause of this section, by which power is given to congress "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this constitution in the government of the United States, or in any department, or officer thereof." Elsewhere, in various sections, the constitution requires of congress the exercise of powers not particularly mentioned in this section; and the constitution in different places implies that con-

gress must do certain things, which are not expressly provided for in this section.

SECTION 8, CLAUSE 1. "*The congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.*"

This clause gives congress the power to levy taxes for three purposes :—

- (1) To pay the public debt.
- (2) To provide for the common defence.
- (3) To provide for the general welfare.

We have already seen that the power to levy taxes is one of the fundamental and most important powers of government, whether local, state, or national. This clause gives to the national government power to levy and collect taxes for three broad purposes mentioned.

The four words, *taxes, duties, imposts, excises*, originally were nearly synonymous. They are all used here, not to mean four different things, but to include all the usual methods of taxation. The specific meaning of each word is not exactly fixed. They have different meanings in different connections. Ordinarily, the word *taxes* denotes direct taxes, laid on individuals, either poll tax or property tax. *Duties* are indirect taxes, and include excise taxes and duties on imports and exports. *Imposts* are duties on imports. *Excises* are duties on goods manufactured and used in this country. Another word of similar meaning has arisen and grown into general use; namely, *customs*. This in general means duties on imports and exports; but as,

in our country, there are no import duties, its use is synonymous here with imposts.

The general government may levy a tax in three ways :—

(1) A direct tax upon persons, which may be either a poll tax or property tax.

(2) An indirect tax upon goods imported into the country from abroad.

(3) An indirect tax upon goods manufactured and used here.

Political economy defines a direct tax as one which comes from the property of the nominal payer, while an indirect tax is assessed on one person, but in reality is paid by another. Duties on imports, therefore, are indirect because they are paid finally by the consumer and not by the importer. Taxes that are levied by the state and local governments are usually direct taxes. The income of the general government, however, is almost entirely received by indirect taxation. Congress has never yet levied a general tax on all the property of the country.

Previous to the civil war a direct tax had been laid but four times, in 1798, 1813, 1815, 1816. These taxes were levied upon lands, houses, and slaves. To pay the debt incurred in the civil war, direct taxes were again levied in 1861 and subsequently.

This government, during most of its existence, has been committed to the policy of laying duties on goods manufactured abroad and imported into this country. These duties on imports are of two kinds :—

(1) Specific duties.

(2) *Ad valorem* duties.

A specific duty is a tax levied on goods by weight, measure, or bulk ; as, for example, a duty of fifty cents a yard on broadcloth, one dollar a ton on iron, or fifty cents a gallon on molasses.

An *ad valorem* duty is levied according to the value or cost of the goods, as, ten per cent on iron, fifty per cent on the cost of brandy. These duties are collected under the direction of the treasury department. The states are divided into collection districts, and the collector for each district is appointed by the president. The collector receives all reports, manifests, and documents required by law, on the entry of any ship or vessel into the port. He records the manifests in his book ; he receives the entries of all vessels, with an account of the goods or merchandise imported in them ; he estimates, by the assistance of the naval officer, if there is one, the amount of duties to be paid, and indorses these amounts upon the entries. The duties are paid to him, or bonds for securing their payment are given to him, and permits for the unloading and delivery of goods from the vessels are granted by him. He appoints proper persons as weighers, gaugers, measurers, and inspectors, and he provides warehouses for the safe keeping of goods. The duties must be paid before the collector will grant a permit for the unloading and delivery of the goods. In some of the important ports a naval officer and surveyor are also appointed by the president. The naval officer is independent of the collector, and serves as a check upon that officer. All entries must pass through his office as well as that of the collector. The surveyor has charge of the inspectors, weighers, measurers, and gaugers. Strict laws are

passed, with penalties attached, against smuggling, and the government makes great use of small, swift-sailing steam-vessels, called revenue cutters, at the most important ports, to assist in enforcing the revenue laws.

CLAUSE 3. "*To regulate commerce with foreign nations and among the several states, and with the Indian tribes.*"

This clause places the whole subject of commerce, as to its rules and regulations, under the authority of congress, and the courts have decided that this authority is exclusive. No state can levy a tax on imported goods.

CLAUSE 4. "*To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.*"

Naturalization is an act by which a foreigner, called an alien, becomes a citizen of the United States. Under the confederation, each state passed laws naturalizing aliens.

It is to be noticed that there has been a constant growth of national power. At first the several states were unwilling to give up their power to the federal government. Through the whole history of the nation, the dividing line between political parties has been upon this principle. One party has favored large state rights, and a minimum national power. The other party has favored an increase of national power. Here is an illustration :— The laws upon the subject of naturalization, and the qualifications requisite in the different states were so various, that confusion and controversy resulted. To remedy these evils, the constitution gives congress full power over the subject of naturalization, so that the laws shall be uniform throughout all the states. An alien coming to this country from a foreign land, must



make application for citizenship ; this is called his " declaration of intention." This declaration must be made at least two years before he can receive his naturalization papers. In his declaration he must declare on oath or affirmation that it is his intention to become a citizen of the United States and to renounce all allegiance to the government of which he is at the time or has been a subject.

Before he can receive his naturalization papers, he must have resided in this country at least five years. There is one exception to this law. By an act passed in 1862, a soldier of the age of twenty-one years and upward, regularly discharged from the army of the United States, may be admitted to citizenship without a previous declaration of intention and with a single year's residence. The children of a naturalized foreigner, who are under twenty-one years of age, residing in this country at the time the father received his naturalization papers, are considered citizens. The children of a citizen, who are born abroad, are citizens of the United States.

When foreign territory has been incorporated into the union, by treaty or otherwise, congress has exercised the power of granting naturalization without previous residence. When territory is annexed to this country, the president and senate have naturalized the inhabitants of such territory *en masse*.

Great frauds have often been committed in large cities by issuing naturalization papers to large numbers of foreigners, who, it has been claimed, have not resided in this country for the requisite term of five years. By this means it has been urged that fraudulent votes have been cast, and elections largely influenced. Conse-

quently, in 1870, congress passed a stringent law to punish violations of the naturalization laws.

BANKRUPTCY. — This clause gives congress power to make “Uniform laws on the subject of bankruptcies throughout the United States.”

In England, the term *bankrupt* is generally limited to traders who fail to pay their debts, while the word *insolvent* was applied to those not paying their debts, who were not engaged in trade. The general usage, however, in the United States, has been to make the words *bankrupt* and *insolvent* synonymous. In reality, a person is insolvent when he cannot pay his debts. He becomes a bankrupt by legal proceedings under a bankrupt law. Congress has exercised this power to pass uniform laws on bankruptcy at three different times. The first bankrupt law was passed in 1800, and repealed three years later. The second was passed in 1841, and repealed within two years. The third was in effect from 1867 to 1878. No national bankrupt laws are in force now. It is held that if congress does not exercise its power to pass a bankrupt law, the several states can do so. The state laws are usually termed insolvent laws.

CLAUSE 5. “*To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.*”

Prior to the constitution, the several states coined money. This clause prohibits this, and gives congress the sole power to issue money. The coins of the country are issued from the United States mints. The principal mint is located at Philadelphia. There are mints at San Francisco, Cal.; C

Col. There are assay offices at New York ; Boise City, Id. Ter. ; and Charlotte, N.C.

An act of congress passed in 1873 provided for the following coins :—

(1) Gold : The dollar piece ; the two-dollar-and-a-half piece, or quarter-eagle ; the three-dollar piece ; the five-dollar piece, or half-eagle ; the ten-dollar piece, or eagle ; and the twenty-dollar piece, or double-eagle.

(2) Silver : The dollar ; half-dollar ; quarter-dollar, and dime.

(3) The “minor coins” are the five-cent piece and three-cent piece and one-cent piece. Two-cent pieces are not now coined.

WEIGHTS AND MEASURES. — This clause also gives congress the power “to fix the standard of weights and measures.” It is proper that the standard of weights and measures should be connected with money. The price or value of any commodity is fixed in money terms, but this commodity is either weighed or measured, and, therefore, the power which coins the money should fix the standard of weights and measures. Our weights and our measures have come to us through the ancient usages of Great Britain. It appears strange that the world should not have earlier established a uniform system. That *twelve* inches should make a foot, and *three* feet a yard, and that *five and a half* of this denomination should make a rod, and that *forty* of this is called a furlong, and that *eight* furlongs are a mile, is not complimentary to the civilization of our ancestors.

We made a great gain when this government established our coins on the decimal system : ten cents make a dime ; and ten dimes a dollar ; and ten dollars, an eagle.

It will be a greater gain when the metric system for all weights and measures shall have come into universal use. The metric system has been legalized by an act of congress, but it is to be feared that the day is somewhat distant when it shall have come into general use in this country.

CLAUSE 6. "*To provide for the punishment of counterfeiting the securities and current coin of the United States.*"

The law now in force in regard to counterfeiting the coin of the United States, was passed in 1873. It provides for the punishment of counterfeiting our coins, or the coins of foreign countries, by a fine not exceeding five thousand dollars, and by imprisonment for a term not exceeding ten years. Congress has passed laws against counterfeiting treasury notes, and notes of national banks, and various stamps and certificates. The law now in force upon this subject was passed in 1864, and provides for punishment by fine not exceeding five thousand dollars, and imprisonment not exceeding fifteen years.

CLAUSE 7. "*To establish post-offices and post-roads.*"

The post-office department of the United States is under the direction of the postmaster-general, who is appointed by the president, and who is authorized by congress to establish post-offices, to contract for the carrying of the mails on post-roads, and to superintend and direct all the business of his department. Every postmaster whose salary is one thousand dollars or more per annum, is appointed by the president, and confirmed by the senate. All other postmasters are appointed by the postmaster-general.

Mailable matter is divided into four classes:—

(1) Written matter.

- (2) Periodical publications.
- (3) Miscellaneous printed matter.
- (4) Merchandise.

On mailable matter of the first class, except postal cards and drop-letters, postage is now paid at the rate of two cents for each ounce or fraction thereof. Postal cards shall be transmitted through the mails at a postal charge of one cent each; and drop-letters shall be mailed at the rate of two cents per ounce or fraction thereof, including delivery at letter-carrier offices, and shall be one cent for each ounce or fraction thereof, where free delivery by carrier is not established.

**SECOND-CLASS MATTER.**—Mailable matter of this class shall embrace all newspapers and other periodical publications which are issued at stated intervals, not less than four times a year, and which are within certain conditions named in this statute. The postage on second-class matter shall be one cent per pound or fraction thereof, such postage to be prepaid, and any article, or item in each newspaper, or other publication, may be marked for observation, except by written or printed words, without increase of postage.

**THIRD-CLASS MATTER.**—Mailable matter of this class embraces books, circulars, and other matter wholly in print, corrected proof-sheets, and manuscript copy of the same. The postage shall be paid at the rate of one cent for every two ounces, or fraction thereof, and shall be fully prepaid by postage stamps affixed to such matter. There is no limit of weight to single volumes of books; other matter is limited to four pounds in a single package. Transient newspapers or

periodicals, which were formerly included in this class, are now subject to the rate of one cent for four ounces.

FOURTH-CLASS MATTER.—This shall embrace all matter not included in the first, second, or third classes, and which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail-bag, or harm the person of any one engaged in the postal service, and is not above the weight provided by law, which is declared not to exceed four pounds, except in the case of single books weighing in excess of that amount, and for books and documents by order of congress.

Liquids, poisons, canned goods containing liquids, explosive, and other inflammable articles, and many other kinds of objectionable matter, are precluded by law from admission to the mails.

POSTAL MONEY ORDERS.—The postal money-order system has been in operation since 1864. The free delivery of letters by carriers in large cities was commenced in 1863. The system was extended in 1865; and since 1873 letter-carriers have been authorized in all places containing not less than twenty thousand inhabitants.

Post-roads were early established by congress; but in later years, since railroads have so rapidly multiplied, the mails are largely transported in mail-cars upon the railroads, there being no necessity for the government to maintain post-roads. As the constitution gives to congress the control of the correspondence, many claim that the electric telegraph should be managed by the government, and that telegraph rates should be fixed by congress.

CLAUSE 8. "*To promote the progress of science and useful arts, by securing for limited times to authors and inventors, the exclusive right to their respective writings and discoveries.*"

This clause gives to congress exclusive power to grant:—

- (1) Copyrights to authors.
- (2) Patents to inventors.

COPYRIGHTS. — Authors of books, maps, charts, and musical compositions, are entitled to copyright, which gives them the exclusive right of printing, publishing, and selling their productions for the term of twenty-eight years. This may be renewed for a period of fourteen years.

DIRECTIONS FOR SECURING COPYRIGHTS. (1) *Printed Title Required.* — "A printed copy of the title (besides the two copies to be deposited after publication) of the book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph, or a description of the painting, drawing, chromo, statue, statuary, or model or design for a work of the fine arts, for which copyright is desired, must be sent by mail or otherwise, prepaid, addressed *Librarian of Congress, Washington, D.C.*" This must be done before publication of the book or other article.

*What Style of Print.* — "The printed title required may be a copy of the title-page of such publications as have title-pages. In other cases, the title must be printed expressly for copyright entry, with the name of claimant of copyright. The style of type is immaterial, and the print of a type-writer will be accepted. But a separate copy is required for each entry, and each title must be

printed on paper as large as commercial note. The title of a periodical must include the date or number.

(2) *Fees.* — “The legal fee for recording each copyright claim is fifty cents, and for a copy of this record (or certificate of copyright) an additional fee of fifty cents is required. Certificates covering more than one entry are not issued.

(3) *Two Copies Required.* — “Within ten days after publication of each book or other article, two complete copies of the best edition issued, must be sent to perfect the copyright, with the address *Librarian of Congress, Washington, D.C.*”

The postage must be prepaid, unless the publications are inclosed in parcels covered with printed penalty labels, furnished by the librarian, in which case they will come free by mail, without limit of weight, according to the rulings of the post-office department. Without the deposit of copies above required, the copyright is void, and a penalty of twenty-five dollars is incurred. No copy is required to be deposited elsewhere.

(4) *Notice of Copyright to be Given by Imprint.* — “No copyright is valid unless notice is given by inserting in every copy published, on the title-page or the page following, if it be a book ; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected as a work of the fine arts, by inscribing upon some portion thereof, or on the substance on which the same is mounted, the following words, viz. : ‘ Entered according to act of congress, in the year — by —, in the office of the librarian of cong at Washington,’ or, at the option of the person



tering the copyright, the words: 'copyright, 18—, by ——.'

"The law imposes a penalty of one hundred dollars upon any person who has not obtained copyright who shall insert the notice 'Entered according to act of congress,' or 'copyright,' etc., or words of the same import, in or upon any book or article.

(5) *Translations.* — "Any author may reserve the right to translate or dramatize his own work. In this case notice should be given by printing the words 'Right of translation reserved,' or 'All rights reserved,' below the notice of copyright entry, and notifying the librarian of congress of such reservation, to be entered upon the record.

"Since the phrase 'all rights reserved' refers exclusively to authors' rights to dramatize or to translate, it has no bearing upon any particular publication except original works, and will not be entered upon the records in other cases.

(6) *Duration of Copyright.* — "The original term of copyright runs for twenty-eight years. Within six months before the end of that time, the author or designer, or his widow or children, may secure a renewal for a further term of fourteen years, making forty-two years in all.

*Renewals.* — "Applications for renewals must be accompanied by explicit statement of ownership, in the case of the author, or of the relationship, in the case of his heirs, and must state definitely the date and place of entry of the original copyright. Advertisement of renewal is to be made within two months of date of renewal certificate, in some newspaper for four weeks.

(7) *Time of Publication.* — “The time within which any work entered for copyright may be issued from the press is not limited by law or regulation, but depends upon the discretion of the proprietor. A copyright may be secured for a projected work as well as a completed one. But the law provides for no caveat, or notice of interference, only for actual entry of title.

(8) *Assignments.* — “A copyright is assignable in law by any instrument of writing, but such assignment must be recorded in the office of the librarian of congress within sixty days from its date. The fee for this record and certificate is one dollar, and for a certified copy of any record of assignment, one dollar.

(9) *Copies of Duplicate Certificates.* — “A copy of the record (or duplicate certificate) of any copyright entry will be furnished, under seal, at the rate of fifty cents each.

(10) *Serials, or Separate Publications.* — “In the case of books published in more than one volume, or of periodicals published in numbers, or of engravings, photographs, or other articles published with variation, a copyright is to be entered for each volume or part of a book, or number of the periodical, or variety as to style, title, or inscription, of any other article. But a book published serially in a periodical, under the same general title, requires only one entry. To complete the copyright on such a work, two copies of each serial part, as well as of the complete work (if published separately), must be deposited.

(11) *Copyrights for Works of Art.* — “To secure a copyright for a painting, statue, or model or design intended to be perfected as a work of the fine arts, so

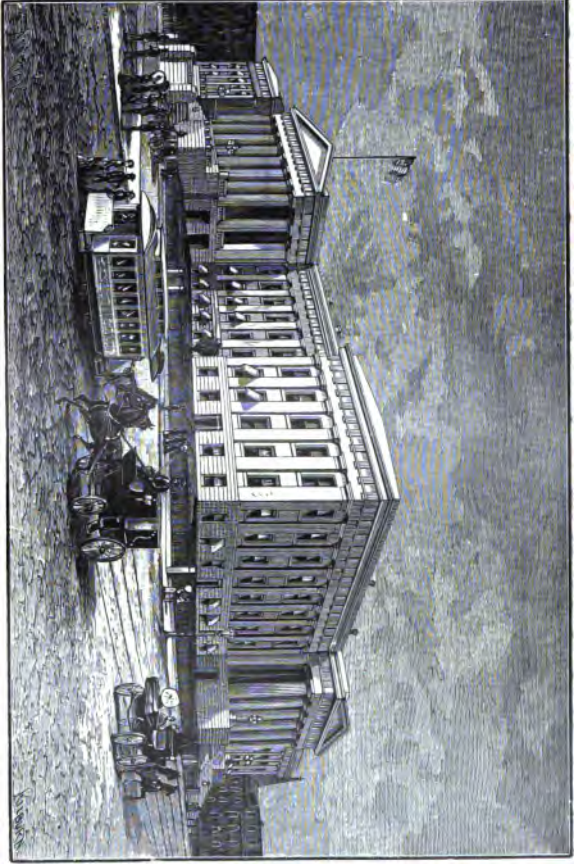
as to prevent infringement by copying, engraving, or vending such design, a definite description must accompany the application for copyright, and a photograph of the same, at least as large as 'cabinet size,' should be mailed to the librarian of congress within ten days from the completion of the work or design.

(12) *No Labels or Names Copyright.* — "Copyrights cannot be granted upon trade-marks, nor upon mere names of companies or articles, nor upon prints or labels intended to be used with any article of manufacture. If protection for such names or labels is desired, application must be made to the patent-office, where they are registered at a fee of six dollars for labels, and twenty-five dollars for trade-marks.

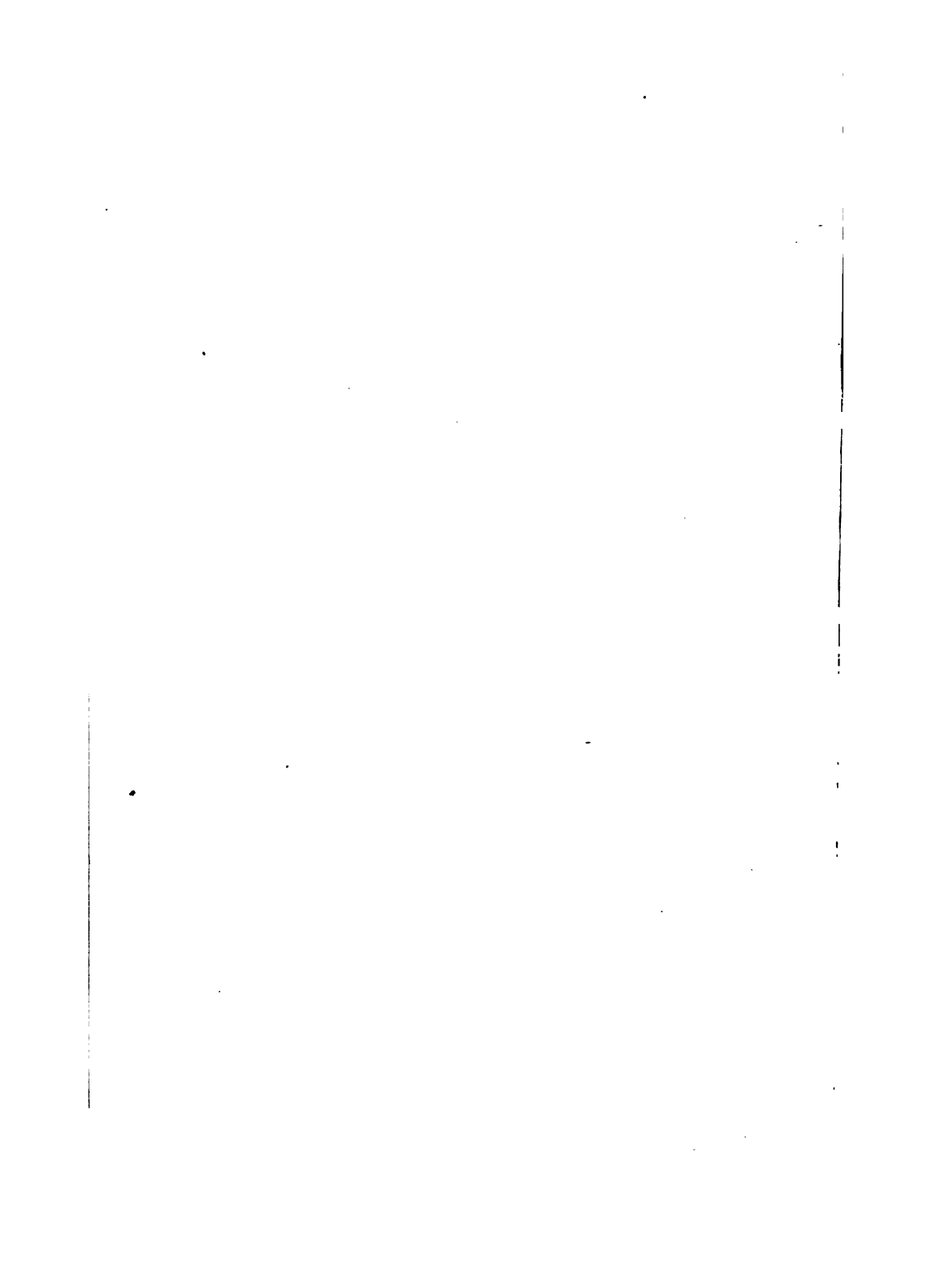
(13) "Citizens or residents of the United States only are entitled to copyright.

(14) *Full Name of Proprietor Required.* — "Every applicant for a copyright should state distinctly the full name and residence of the claimant, and whether the right is claimed as author, designer, or proprietor. No affidavit or formal application is required."

PATENTS. — The United States government grants letters-patent to "inventors or discoverers of any new or useful art, machine, manufacture, or composition of matter, or any new and useful improvement on such, which had been previously unknown, and which had not been used by others, and which had not been on sale or in public use for more than two years prior to the application for a patent." This business is conducted in Washington, in the patent-office, under the direction and control of the commissioner of patents, who receives applications and superintends the granting and issuing



THE PATENT-OFFICE BUILDING.



of patents, in accordance with the various acts of congress passed at different times on this subject.

The patent-office employs many clerks, called examiners, who investigate the claims of every invention for which a patent is solicited.

The patent itself is the official document issued in the name of the United States. It has connected with it a description of the invention, with such drawings as the nature of the case permits. Its cost is thirty dollars. Each article offered for sale by the patentee, must be stamped with the word "patent," with the date when the patent was issued.

CLAUSE 10. "*To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.*"

Piracies were formerly much more common than they are at the present time. This clause confers upon congress not only the power to punish, but also the right to define piracies and felonies upon the high seas. Accordingly congress has declared what felonies shall be treated as piracies. Among these are murder and robbery on the high seas, or on any river, in any haven, or bay, out of the jurisdiction of any particular state; or any offence, which, if committed within the body of the country, would, by the laws, be punishable with death.

The slave trade for more than three-fourths of a century has been declared piracy.

This clause also includes offences against the law of nations. By the law of nations is meant those principles of justice, and those usages which define the rights and limit the duties of nations in their intercourse one

with another, both in peace and war. As illustrations of offences against the law of nations, might be mentioned, disregard of treaties, infringement of the rights of ambassadors, and violation of passports.

CLAUSE 11. "*To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.*"

It is here to be noticed, that while on the one hand the right to make treaties with foreign nations is granted to the president by and with the advice of the senate, yet on the other hand the right to declare war is granted to the legislative department of the government. Both of these rights in England are the prerogatives of the king.

LETTERS OF MARQUE AND REPRISAL are commissions granted by the government, generally in time of war, to permit individuals to go beyond the limits of the country and seize upon the property of a foreign state, or of its citizens or subjects, as a reparation for some injury committed by such a state, or its citizens or subjects. This custom was formerly quite common, but of late has fallen into disrepute, and many nations have agreed to discontinue its use.

CLAUSE 12. "*To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years.*"

By this clause the power to raise and support armies is placed in the hands of congress. It is, however, necessary to guard against the possibility of a military despotism. If appropriations were made by law, for an indefinite period of time, the president, who is commander-in-chief, could gather under his control an army

which might defy the acts of congress and enable him to revolutionize the government. This clause, therefore, provides that congress shall make no appropriation of money to support the army for a longer term than two years. As a matter of fact it is the practice of congress to make these appropriations annually. The parliament of England observes the same custom.

All enlistments in the army are voluntary, and are usually for the term of five years, unless sooner discharged. The officers, non-commissioned officers, musicians, and privates are required, on entering the army, to swear or affirm "that they will bear true faith and allegiance to the United States of America, and that they will serve them honestly and faithfully against their enemies or oppressors whomsoever, and that they will obey the orders of the president of the United States, and the orders of the officers appointed over them, according to the rules and articles of war."

The organization of the army is very simple. The commanding officers are all comprised in the following titles :—

- (1) Captain.
- (2) Colonel.
- (3) Brigadier-general.
- (4) Major-general.
- (5) Lieutenant-general.

The office of general has been abolished.

(1) The captain is in command of a company, the maximum of which is one hundred men. Under him, as officers of the company and to take command in his absence, are a first lieutenant and second lieutenant. In the artillery service there may be more than one of each



rank. The non-commissioned officers of the company are of three grades: —

- (1) First sergeant.
- (2) Sergeant.
- (3) Corporal.

(2) The colonel commands a regiment, whether of infantry, artillery, or cavalry. There are under him a lieutenant-colonel and one or more majors.

(3) The brigadier-general commands a brigade. A brigade is composed of several regiments.

(4) The major-general commands a division, which consists of several brigades, or in time of war he may command an army corps or a department.

(5) The lieutenant-general is in command of all the armies of the United States, under the direction of the president as commander-in-chief.

CLAUSE 13. "*To provide and maintain a navy.*"

The officers of the navy are as follows, with the corresponding rank of the officers of the army: —

- (1) Ensign, corresponding to second lieutenant.
- (2) Master, corresponding to first lieutenant.
- (3) Lieutenant, corresponding to captain.
- (4) Lieutenant-commander, corresponding to major.
- (5) Commander, corresponding to lieutenant-colonel.
- (6) Captain, corresponding to colonel.
- (7) Commodore, corresponding to brigadier-general.
- (8) Rear-admiral, corresponding to major-general.
- (9) Vice-admiral, corresponding to lieutenant-general.
- (10) Admiral, corresponding to general.

Formerly the office of captain in the navy was the highest recognized by law. Congress has provided that

when the offices of admiral and vice-admiral become vacant, these grades shall cease.

CLAUSE 14. "*To make rules for the government and regulation of the land and naval forces.*"

In accordance with this clause, congress has adopted and published "Regulations for the Army of the United States." It is customary to read extracts from these articles to every garrisoned regiment, troop, and company once in six months.

Clauses 15 and 16 "provide for the calling forth and organizing the militia of the several states, to execute the laws of the union, suppress insurrections, and repel invasions."

All officers of the regular army are commissioned by the president. All officers of the regiments raised by the states as militia, even when in the service of the United States, are commissioned by the governors of the states respectively.

Three times since the American Revolution, our government has been obliged to call out large bodies of men for the military service.

- (1) In the war with Great Britain in 1812.
- (2) In the Mexican War in 1846.
- (3) During the Civil War, 1861 to 1865.

The number of men called into the service in the civil war was very great. At the close of the war the entire army of the United States numbered more than one million of men. The whole number mustered into service during the four years was 2,656,553.

The 17th clause of this section provides that congress shall have exclusive legislation over the District of Columbia, and also "over any places purchased by con-

sent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." The District of Columbia was originally ceded to the United States, by Maryland and Virginia, as a place for the capitol of the United States. In 1848 that part lying west of the Potomac was retroceded to Virginia.

During the Revolutionary War, the continental congress held its sessions a portion of the time at New York, and by act of congress remained there from March 4, 1789, until the close of the second session of the first congress. The act provided that the offices of the government be then removed to Philadelphia, that they should remain there for ten years, and that prior to the first Monday of December, 1800, the seat of government should be removed to the city of Washington, District of Columbia. Washington has, therefore, been the capital of the United States since December, 1800.

This clause also provides that the government shall have control over the places where it shall erect forts, arsenals, custom-houses, post-offices, etc., with the consent of the state legislature.

By an act of 1878, the government of the District of Columbia was placed under a board of three commissioners. Two are appointed by the president and senate for three years, and the third is an officer of the corps of engineers of the army, to be detailed by the president. These commissioners have charge of the municipal interests of the district,—appointing the police, firemen, school board, and all other officers. The expenses for carrying on the government of the district

are met, one half by appropriation from the national treasury, and the other half by assessment upon the taxable property of the district.

CLAUSE 18. *"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof."*

This clause is what Patrick Henry called "the sweeping clause," by which, as he thought, congress was to overthrow the states. Great opposition to this clause was manifested by the state-rights party during the time in which the constitution was under discussion by the people and by state conventions prior to its adoption.

Nothing is plainer than that the government has under this constitution full national powers, and is limited only by the restrictions imposed by the constitution itself. Judge Story says: "It would be almost impracticable, if it were not useless, to enumerate the various instances in which congress, in the progress of the government, has made use of incidental and implied means to execute its powers. They are almost infinitely varied in their ramifications and details."

Chief Justice Marshall says: "A power vested carries with it all those incidental powers which are necessary to its complete and efficient execution."

This principle has been acted upon by the general government from 1789 to the present day.

Dr. I. W. Andrews says: "Nothing is plainer than that the constitution was intended to vest in the general government all the powers which properly belong to such a government, and so it has been understood from

the beginning. The affairs of the nation could not be carried on a single year if no laws were enacted but such as are specifically provided for in the constitution." It is well known that the most remarkable powers which have been exercised by the government were the purchase of Louisiana in 1803, and the laying of an unlimited embargo in 1807. These measures were brought forward, says Judge Story, "and supported and carried by the known and avowed friends of strict construction. They were driven to the adoption of the doctrine that the right to acquire territory was incident to national sovereignty; that it was a resulting power, growing out of the aggregate powers confided by the constitution; that the appropriation might justly be vindicated on the grounds that it was for the common defence and the general welfare."

## CHAPTER VII.

### RESTRICTIONS UPON THE NATIONAL GOVERNMENT.

SECTION 9, CLAUSE 1. "*The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.*"

The first clause of this section contains one of those compromises which seemed necessary in order to make any constitution at all. At the beginning of the Revolution the general sentiment of the country was opposed to slavery. This sentiment had so far changed in the southern section of the union, at the time the constitution was formed, that the leading men of these states jealously guarded their peculiar domestic institution.

This clause provides that the congress shall not prohibit the importation of slaves, prior to the year 1808. The very fact that such a clause is introduced tends to show that without this specific clause congress might be deemed to have the power to prohibit the slave trade, although there is no clause in the eighth section granting them such power. The words *slave* and *slavery* do not appear in the constitution. The expression here used is: "The migration and importation of such persons as any of the states now existing shall think proper to admit."

On the 1st of January, 1808, an act of congress, previously passed, went into effect, imposing heavy penalties upon persons engaged in the slave trade. In 1820 by an act of congress the slave trade was declared to be "piracy," to be punished with death. From that time the slave trade, that is, the importation of slaves from foreign countries, has diminished, and the public sentiment of the country and of the world has set more and more strongly against the barbarous system of human slavery. Happily our nation is now freed from this curse. It should be observed that when this constitution was formed, no one of the nations of the world had abolished the slave trade. Yet at that time ten of the thirteen states had prohibited the importation of slaves. The three states which still clung to this custom were North and South Carolina, and Georgia. In the federal convention these states insisted upon a provision being inserted in the constitution for the admission of slaves, at least for a limited period.

Dr. Andrews, in his "Manual of the Constitution," gives the following summary of the action taken by our national government from time to time upon slavery: "In 1787 the continental congress passed an 'Ordinance for the government of the territory of the United States northwest of the Ohio,' which provided that in that territory there should 'be neither slavery nor involuntary servitude, otherwise than in punishment of crimes.'

"The slave trade to foreign countries was prohibited in 1794.

"The importation of slaves was prohibited in 1807, the law to take effect Jan. 1, 1808.

“In 1820 the slave trade was declared to be a piracy, to be punished with death.

“Slavery was abolished in the District of Columbia, by an act of congress, in 1862, and in the territories the same year.

“The president’s first proclamation as to emancipation of slaves in the rebel states, was issued Sept. 22, 1862. The second proclamation emancipating them, is dated Jan. 1, 1863. The coastwise slave trade was forever prohibited by an act of July 2, 1864.

“The thirteenth amendment to the constitution abolishing slavery throughout the United States, and all places subject to their jurisdiction, was proposed to the legislatures of the states by congress, Feb. 1, 1865, and was ratified Dec. 18, 1865.”

The next clause (clause 2) provides that “The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion public safety may require it,” in which case it is suspended by congress or by the president, who must have been previously authorized by act of congress to suspend it.

CLAUSE 3. “*No bill of attainder, or ex post facto law shall be passed.*”

The bill of attainder is an old English custom, by which a person could be punished by death, or otherwise, by a legislative act without a judicial trial.

An *ex post facto* law is one which makes an act criminal, which was not criminal when committed. In other words, it is a law passed subsequent to the commission of an act, applying a penalty to the act previously committed. So, also, the law that provides for a greater



punishment than was imposed when the crime was committed, would be an *ex post facto* law. An *ex post facto* law applies only to crimes, and not to civil proceedings, which affect private pecuniary matters only. The latter would be a "law impairing the obligation of contracts."

The next clause provides that direct taxes, levied by the national government, shall be in proportion to the population.

CLAUSE 5. "*No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.*"

The result of this clause has been the prohibition of duties on exports from any part of our country, and this clause is a restriction upon the several states, as well as upon the national government.

CLAUSE 6. "*No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.*"

Congress votes an appropriation bill annually, and the fiscal year begins on the first day of July. These appropriations are made with great care and with much detail. The appropriation acts sometimes fill one hundred pages of the United States statutes.

By this clause the officers of the United States treasury are prohibited from paying out any money, except in accordance with acts of congress providing for the same.

CLAUSE 7. *“No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.”*

It would seem to be the fundamental principle of a republican government, that there should be no titles of nobility. The people must be considered equal before the law. The second part of this clause is designed to prevent any foreign influence being exercised to bribe in any way an officer of our nation.

## CHAPTER VIII.

### RESTRICTIONS UPON THE STATES.

SECTION 10. *“No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.”*

The framers of the constitution intended to make a national government with sovereign powers, leaving to the states the control of such matters of local or sectional government as would best be left in their hands. It is clear from this section and others, that the framers of the constitution proposed to retain all needful and sovereign powers in the hands of the nation, and to restrict to subordinate limits the power of the state as such. There is no element of sovereignty in the states. They were British colonies until July 4, 1776. Through representative power delegated by the several colonies to the members of the continental congress, that congress threw off allegiance to the mother country, and the united colonies became a nation, and at the same time the several colonies became states.

From that day onward no state has exercised sovereign powers, except in the attempted acts of secession. These were settled by the arbitrament of war. The

effect of that war has been to increase the national power. No further discussion of the several points of this clause seems needful.

The second clause of this section prohibits the states from laying imposts or duties on imports and exports, and from keeping troops and ships of war in time of peace, without the consent of congress. All questions relating to peace and war, treaties, alliances, armies, duties on imports and coinage of money, are under the control of the general government.

Judge Story says: "No state can control or abridge, or interfere with, the exercise of any authority under the national government; and it may be added, that state laws, as, for instance, state statutes of limitations, and state insolvent laws, have no operation upon the rights or the contracts of the United States."

We have now completed the consideration of the legislative department of the United States government, and this forms an excellent basis for a proper understanding of the details of the several state legislatures.

The state legislatures are in nearly all instances formed upon the model of the national legislature. There are in every state two houses, called a senate and a house of representatives. The presiding officer of the senate is termed the president of the senate, and the presiding officer of the house the speaker of the house. Bills passed by one house are sent to the other, and being passed by that in most cases are sent to the governor of the state for his approval. In nearly all the states the governor has the veto power similar to that exercised by the president.

states the membership of the senate

is determined by sections of territory; while the members of the house are in proportion to the population. A singular exception to this rule exists in the state of Vermont. In that state the house is composed of one member from every town or city in the state, while the senators are chosen from the several counties, with reference to their population, the smaller counties having but one senator each, while the more populous counties have several.

A good knowledge, therefore, of the national legislature, enables one to understand very readily the composition and working of the state legislature.

## CHAPTER IX.

### ARTICLE II: THE EXECUTIVE DEPARTMENT.

SECTION I, CLAUSE I. "*The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows:*" —

By this clause we observe that: —

- (1) The executive power is vested in one person.
- (2) He is elected for a term of four years.
- (3) The vice-president is elected at the same time and for the same term.

The constitution does not define the executive power. Whatever that power is, it is vested by the constitution in the president. The constitution determines some things which he may not do. It gives him power to do certain things which are clearly outside the executive department; but within the limits of that department, he, and he alone, has the entire power.

The length of his term was the subject of much discussion in the federal convention. The term of four years, however, was settled upon and has never been changed. The president is eligible to re-election. Several presidents have served two terms. There is no legal reason why one should not serve a third term or more, if it were the will of the people.

The question of the length of the presidential term

has been much discussed. Many are of the opinion that a longer term, six years, or seven years, or even eight years, and the president ineligible to re-election, would have been better. In favor of the shorter term, however, it may be said, that the office is more dependent upon the will of the people. Some one has said that the presidential campaign is a national school, wherein the nation acquires a minute and accurate knowledge of the government and of all governmental affairs.

The following is the list of the presidents, with their terms of office:—

- (1) George Washington, two terms, 1789 to 1797.
- (2) John Adams, one term, 1797 to 1801.
- (3) Thomas Jefferson, two terms, 1801 to 1809.
- (4) James Madison, two terms, 1809 to 1817.
- (5) James Monroe, two terms, 1817 to 1825.
- (6) John Quincy Adams, one term, 1825 to 1829.
- (7) Andrew Jackson, two terms, 1829 to 1837.
- (8) Martin Van Buren, one term, 1837 to 1841.
- (9) William Henry Harrison, one month, 1841.
- (10) John Tyler, three years and eleven months, 1841 to 1845.
- (11) James K. Polk, one term, 1845 to 1849.
- (12) Zachary Taylor, one year and four months, 1849 to 1850.
- (13) Millard Fillmore, two years and eight months, 1850 to 1853.
- (14) Franklin Pierce, one term, 1853 to 1857.
- (15) James Buchanan, one term, 1857 to 1861.
- (16) Abraham Lincoln, four years and one month, 1861 to 1865.

(17) Andrew Johnson, three years and eleven months, 1865 to 1869.

(18) Ulysses S. Grant, two terms, 1869 to 1877.

(19) Rutherford B. Hayes, one term, 1877 to 1881.

(20) James A. Garfield, four months, 1881.

(21) Chester A. Arthur, three years and eight months, 1881 to 1885.

(22) Grover Cleveland, from 1885 to —.

It will be seen by the above table that we have had twenty-two presidents in one hundred years. Of these, seven have been elected for a second term. Four vice-presidents have succeeded to the presidency by the death of the president.

CLAUSE 2. *“Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator, or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.”*

The several points embodied in this clause are as follows:—

(1) The president is appointed by electors, and not by the immediate vote of the people.

(2) The number of electors in each state.

(3) Any person holding a United States office is prohibited from being an elector.

It was thought by the framers of the constitution, that, if the direct choice of president was taken from the people and placed in the hands of electors chosen by the people, who would unquestionably be selected from the ablest and most trustworthy men of the na-



tion, a wiser choice of president would be insured than if the people of the whole country were to vote directly for this officer. It was evidently the thought of the framers of the constitution, that, when the electors had been appointed, they would then determine for whom their votes should be cast. The result, however, has proved that the election of president is not left in the hands of the electors, but is, in reality, determined by the people in the election of these electors.

According to the custom which now prevails, the electors are practically pledged beforehand to vote for a certain candidate, which has been previously nominated in a national convention of a political party. The electors therefore exercise no discretion in their vote.

In the next place the constitution determines the number of electors. This number is fixed by a two-fold ratio : —

(1) Each state is entitled to two electors, corresponding to the equality of states in the senate.

(2) The remaining number of electors to which each state is entitled, is fixed by the rule of population, which has already determined the number of representatives to which the state is entitled in congress. This method has reference to the law of population and the equality of states. For example : on the basis of population, New York may be entitled to thirty-four representatives in congress, and Delaware to one. Now, if the president were elected by the direct vote of the people, the vote of New York would be thirty-four times as large as the vote of Delaware, and the relative power of these two states in the election of president would be in the ratio of one

to thirty-four. By this clause of the constitution, however, Delaware has three electors and New York thirty-six, so that the relative power of the two states in the electoral college is as three to thirty-six. If the president, therefore, were elected by the direct vote of the people, the small states would have much less power in determining who should be president than they now have.

The third clause of this article has been rendered null and void by the twelfth article of the amendments. This amendment was proposed to the states by congress in 1803. It was ratified by the requisite number of states and became valid as a part of the constitution in 1804. The amendment is as follows:—

*“The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for president shall be the president if such number be a majority of the whole number of electors appointed; and if no person have such majority from the persons having the highest numbers, no*

ing three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president. The person having the greatest number of votes as vice-president shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the senate shall choose the vice-president: a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States."

CLAUSE 4. "The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States."

The method of electing the president, although at first sight it may seem complicated, yet by a little study will appear plain and simple. The entire process is set forth in the preceding clauses. Prior, however, to any legal steps, the custom of political parties has rigidly fixed preliminary proceedings. For a long time previous to

the presidential election, the newspapers discuss the claims of the various aspirants for this office.

The political parties are thoroughly organized, and in the spring or summer preceding the election, each party holds a national convention, to nominate a candidate for the presidency and a candidate for the vice-presidency. Delegates to this convention are appointed by a state convention of the party in each and every state. The number of delegates fixed upon for this convention is twice the number of electors to which each state is entitled. Thus, at the conventions of the republican and the democratic parties in 1884, both of which were held in Chicago, the number of delegates chosen was 802.

This number was determined as follows : during this decade from 1883 to 1893 the number of representatives in congress is 325. There are thirty-eight states, and therefore 76 senators. The number of members, therefore, in both houses of congress is 401. This number represents the whole number of electors in the presidential election, 1884. Consequently, the national convention of each party would be entitled to 802 delegates.

Whatever candidate, therefore, should secure a majority of these delegates (that is, if the delegates were all present), 402 votes in the convention, would be the party nominee for president. The same, of course, would be true of the candidate for the vice-presidency.

In the national convention of the republican party called to nominate a candidate for the presidency in 1880, no one received a majority vote for several days. There were at that time 293 representatives in congress, and 76 senators. The whole number of electors in that elec-

tion, therefore, was 369, and the number of delegates chosen to this convention was 738. Of this number 370 would be requisite for a majority. The vote of the convention day after day was divided between General Grant, John Sherman, James G. Blaine, and others.

Senator Conkling of New York had nominated General Grant for a third term, and in a speech of great power had urged his nomination. General Garfield, in an address of singular ability and intense magnetism, had nominated John Sherman. Other nominations were made, and day after day ballots were taken without a choice, 306 delegates voting constantly for General Grant, but 370 were requisite for a choice. A few votes had been cast for General Garfield, but finally the votes of the several candidates, except Grant, centered upon Garfield, and he was nominated, although the 306 stood, until the final vote, for General Grant.

When the two great political parties of the country, and whatever parties may put candidates in nomination, have agreed upon their candidates, the struggle begins in earnest. The party newspapers all over the country are filled with articles favoring their respective candidates, and discussing the great principles of government, particularly the special issues involved in the election; and as the time for the election of the electors approaches, orators address great assemblies, discussing the issues involved. There are parades, with bands of music, torch-light processions of various organizations, appeals to principle, and appeals to sentiment, ridicule, and sarcasm, efforts of wit and humor; and in fact the whole nation is stirred to the very foundation; each party moving every stone, taking every means, employ-

ing every measure to secure the election of its candidate to this high office.

Great evils are incident to the presidential campaign. Business is frequently paralyzed, great enterprises are checked, and the thought and the effort and the money of the nation all seem to be absorbed in the question of electing the chief magistrate of this great country for the next four years. On the other hand, there is no little gain apparent from this great contest. All government questions are discussed, criticisms upon every policy are brought forward, the judgment of the nation is appealed to on every point. The weakness of the different political organizations are brought to light, and in general, there is such a canvassing of all questions relating to our national government, that the people become more intelligent upon civil affairs than would otherwise be possible.

The candidates now being nominated, the day of election approaches. The president and the vice-president are to be chosen by electors. Congress, by an act passed in 1845, has fixed the day of choosing these electors as the Tuesday next after the first Monday in November. The election of these electors takes place on the same day throughout the entire country.

The legislature of each state directs the manner in which these electors shall be elected. There have been heretofore four different modes of electing the electors:—

- (1) By joint ballot of the state legislatures.
- (2) By a concurrent vote of the two branches of the legislature.
- (3) By the popular vote of the state on one joint ticket.

(4) By the people voting in districts.

The method now adopted by all the states is that of the people of the whole state voting by general ticket. By this method the vote of no state is divided, but the entire state votes for the electoral college as nominated by one party or another.

The electors are well-known men, who are virtually pledged to vote for the candidate which has been nominated by their party. These men are not pledged by any undue means, but it is understood from their position, their principles, and their affiliations, that they are to vote for the party candidate. The electors, thus duly elected in each state, receive a certificate in triplicate from the executive of the state, certifying their election. Then in accordance with an act passed by congress, Feb. 3, 1887, the electors must meet in their respective states and give their votes on the second Monday in January. Their place of meeting is determined by the legislature of the state. It is usually the capital of the state, but not necessarily. The electors in the state of Rhode Island meet, by law, in the town of Bristol. Most of the states have, however, designated the state capital as the place for the electors to meet and cast their votes. The electors give separate votes for the president and vice-president by ballot. They then make three certificates of all the votes given. These certificates they must sign and seal, and certify on each certificate that there is contained within a list of the votes of the electors of such a state (naming it), for president and vice-president. One of these certificates is delivered to the judge of the United States district court for that district in which the electors are assembled. A second

certificate is forwarded forthwith, by mail, to Washington, directed to the president of the senate. The electors appoint a person as special messenger to take the third certificate, carry it to Washington, and deliver it to the president of the senate. This special messenger is paid a sum fixed by law, on the mileage principle. The three certificates of the election of these electors are transmitted with the certificates of their votes.

The next step in order is the counting of the votes of these electors. This takes place on the second Wednesday of February, in the hall of the house of representatives, in presence of both houses of congress, the president of the senate presiding. On that day the senate marches in a body from the senate chamber to the other wing of the capital, and enters the hall of the house, the members of the house standing to receive them. All being seated, the president of the senate opens the certificates in the presence of the two houses, and hands them to the tellers, previously appointed by the two houses respectively, who count the votes state by state, in alphabetical order, beginning with the letter *A*, and each vote, together with the aggregate vote, is declared by the presiding officer. This method gives dignity and insures fairness in the proceeding.

The constitution says: "The person having the greatest number of votes for president, shall be president if such be a majority." It does not say that he shall be declared elected president. The custom has, however, generally prevailed for the presiding officer, after the votes were counted, to declare the person having a majority of the votes, elected president.



At the last election, in February, 1885, Senator Edmunds, being president of the senate *pro tempore*, made no declaration of the election, taking the ground that the constitution did not require it, but that the very announcement that such a person had received a majority vote of the electors made him president, and that it was not necessary to declare him elected. This view is embodied in the act of Feb. 3, 1887.\*

ELECTION BY THE HOUSE.—In case no person receives a majority of the votes cast by the electors for president, the choice of a president is referred to the house of representatives. The house must immediately proceed to the election of president, and are restricted in their votes to the three highest candidates in the vote by the electors. In thus voting for the president, the vote must be taken by states, the representatives from each state having one vote. The vote cannot be taken except a quorum shall be present, and this quorum is determined by the constitution to be one or more representatives present from two-thirds of the states. It is possible that the house might be so divided as to be unable to elect any one of these three highest candidates. The constitution provides for this emergency. The house must continue voting until the fourth day of March, when the session ends and the congress expires. In case they make no choice prior to that date, then the constitution provides, that "The vice-president shall act as president, as in the case of death, or other constitutional disability of the president."

ELECTION OF VICE-PRESIDENT.—On the second

\* For this act of congress of Feb. 3, 1887, see Appendix.

Wednesday of February, when the votes are counted for president, in the presence of the two houses, the votes for vice-president are also counted, and "The person having the greatest number of votes as vice-president, shall be vice-president, if such number be a majority of the whole number of electors appointed." If there is no election of vice-president by the electors, then the senate shall immediately proceed to choose a vice-president. There must be a quorum present for this purpose, and the constitution fixes that quorum as two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. The senators must choose the vice-president from the two highest numbers on the list voted for by the electors.

As the vice-president may become president, the constitution wisely provides, that "No person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States."

CLAUSE 5. "*No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.*"

At the present day, therefore, the qualifications for president are as follows:—

- (1) He must be a native born citizen.
- (2) He must have attained to the age of thirty-five years.
- (3) He must have been fourteen years a resident within the United States.

No other qualifications can be demanded than these three fixed by the constitution. It will be well here to refer to the qualifications requisite for senators and representatives, that comparison may be instituted.

(1) A representative must be twenty-five years of age, a senator thirty, and a president thirty-five.

(2) A representative must have been a citizen of the United States seven years, a senator nine years, and the president native born.

(3) A representative must be an inhabitant of the state for which he shall be chosen, a senator the same, and a president must have resided within the United States fourteen years. A temporary sojourn in a foreign country, still retaining his residence at home, or a residence abroad on official duty, would not incapacitate one from holding the office of president or vice-president.

CLAUSE 6. *"In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president; and the congress may by law provide for the case of removal, death, resignation, or inability, both of the president and the vice-president, declaring what officer shall then act as president, and such officer shall act accordingly until the disability be removed or a president shall be elected."*

By this clause the constitution devolves the duties of the office of president upon the vice-president, in case of the removal, resignation, or inability of the president. No case occurred where it was necessary for the vice-president to assume the duties of the president, from

the inauguration of President Washington in 1789, down to the year 1841. At that time, by the death of President Harrison, Vice-President Tyler assumed the duties of the office of president. The question then arose whether the vice-president would become actually the president, or be considered as acting president. President Tyler settled that point by assuming at once the title of president, and thus establishing a precedent for all cases.

This clause makes it incumbent upon congress to provide, by law, for the case of vacancy in the office of president or vice-president. Accordingly in 1792 congress provided that in case of the removal, death, resignation, or inability, both of president and vice-president, the president of the senate *pro tempore*, and in case there shall be none, the speaker of the house shall act as president until the disability be removed, or a president be elected.

Congress also provided by the same act, for a new election of president, in such case. This law was in force from 1792 to 1886.

It has been customary for the vice-president to retire from the chair previous to the close of every session of congress, so that the senate might elect a president *pro tempore*. This was a precautionary measure to provide against the contingency of the death of both president and vice-president, during the interim between the two sessions of congress. This law has seemed to many as being inadequate, because there was a liability of vacancy in the office of both president and vice-president between the expiration of one congress and the meeting of the next congress, when there would be no speaker of the

house, and possibly no president of the senate *pro tempore*. Moreover, grave objections existed against the plan of placing a member of the legislative department in the executive chair.

These objections finally resulted in the passage of a new law by congress in January, 1886, which provides, that in case of the removal, death, resignation, or inability of both the president and vice-president of the United States, the secretary of state, if there be one, shall become president, and hold the office during the remainder of the presidential term of four years ; and in case there is no secretary of state, or in case of his removal, death, resignation, or inability, then the secretary of the treasury, and next in order the secretary of war, the attorney-general, the postmaster-general, the secretary of the navy, and the secretary of the interior.

This bill also provides, that whenever the powers and duties of the office of president of the United States shall devolve upon any of the persons named herein, if congress be not then in session, or if it would not meet in accordance with the law within twenty days thereafter, it shall be the duty of such persons, upon whom said powers and duties shall devolve, to issue a proclamation convening congress in extraordinary session, giving twenty days' notice of the time of meeting. It also prescribes "that the preceding section shall only be held to describe and apply to such officer as shall have been appointed by the advice and consent of the senate, to the office therein named, and such as are eligible to the office of president under the constitution and not under impeachment by the house of representatives of the United States, at the time the powers and

duties of the office shall devolve upon them respectively."

The advantages of this law over that previously in force are:—

(1) It retains the executive power in the hands of officers of the executive department, instead of bringing a person to the executive chair from the legislative department.

(2) It retains the executive power in the hands of one of the late president's constitutional advisers, who are supposed to be already familiar with the plans and purposes of government, and is thus likely to carry forward the administration with less change of purpose and policy than would otherwise be the case.

(3) This plan retains for the four years, the same political party in power in the executive department.

CLAUSE 7. "*The president shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period, any other emolument from the United States, or any of them.*"

The salary of the president was originally fixed at twenty-five thousand dollars. This was by an act of congress in 1789, and again in 1793. This salary continued without change until 1873, when it was raised to fifty thousand dollars, and now remains at that amount. The executive mansion is furnished to the president without charge, and other perquisites are attached to the office by law.

The salary of the vice-president was originally five

thousand dollars, and was raised in 1853 to eight thousand dollars. These salaries are paid monthly.

Before entering upon the duties of his office, the president takes the following oath or affirmation : "I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

SECTION 2, CLAUSE 1. "*The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.*"

Activity, energy, and unity of purpose are so requisite for the success of any army movements, that the entire command should be in the hands of a single person. The constitution wisely makes the president commander-in-chief of the national forces upon sea and land, in time of peace as well as of war.

This clause anticipates the establishment of executive departments, and gives the president the authority to obtain in writing the opinion of the secretary of state, war, navy, etc., upon any subject where he desires it. He does not have the authority to demand the opinion of the judges of the supreme court, because they may be called to decide the question under consideration in some case regularly brought before the court, and it

would not be wise to anticipate such a decision, or to render it before hearing all the evidence.

The president can grant reprieves and pardons for offences against the United States, except in cases of impeachment.

CLAUSE 2. *“He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the congress may by law vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.”*

By this clause the president has power :

- (1) To make treaties, with the consent of the senate.
- (2) To nominate certain public officers.

Treaties are solemn agreements between independent nations, generally relating to peace, war, commerce, navigation, territory, boundaries, etc. Treaties are usually first negotiated between ministers, or ambassadors, appointed for this purpose by the governments interested. When the terms of the treaty are agreed upon the president lays the matter before the senate, which discusses it in executive session with closed doors. A two-thirds vote is necessary for ratification.

The appointing power is mainly vested in the president, but the appointments must be made by and with the advice and consent of the senate. But the clause



gives to congress the power to arrange for the appointment of the inferior officers by others than the president. In the appointment of a permanent United States officer by the president, three things are essential.

(1) That the person shall be nominated in writing by the president to the senate.

(2) That the senate shall advise and consent to his appointment.

(3) That subsequently the president actually appoints. A nomination is not an appointment.

CLAUSE 3. "*The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.*"

The power of temporary appointments, when the senate is not in session, is given to the president alone, but such appointments expire at the end of the next session of the senate. If the senate, however, in its session fails to make an appointment, then it is considered that a vacancy has again happened in the office, which the president may proceed to fill by another appointment, which shall hold until the end of the next session of the senate.

The next clause of this article states that the president shall "from time to time give to the congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

In accordance with this clause, it is the custom for the president to send a message to congress annually at the beginning of their session. Power is given by this section to the president to convene both houses, or

either of them, whenever he shall choose, and in case they shall disagree on the matter of adjournment, that he may adjourn them. It is also provided that he shall receive ambassadors, and other public ministers, and "shall take care that the laws be faithfully executed, and shall commission all officers of the United States."

SECTION 4. "*The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.*"

This limits the power of impeachment to the president, the vice-president, and all civil officers of the United States, and if any such officer shall be impeached by the house, and tried by the senate and convicted, he is necessarily removed from the office. It does not even require a vote to remove him. His conviction on impeachment at once deprives him of the office.

Heads of departments have already been alluded to in the constitution. By various acts of congress, the executive and administrative business of the government has been distributed among several executive departments. There are now seven of these, namely:—

- (1) The department of state.
- (2) The department of the treasury.
- (3) The department of war.
- (4) The department of the navy.
- (5) The department of the post-office.
- (6) The department of the interior.
- (7) The department of justice.

These executive departments will be considered under Part III.

## CHAPTER X.

### THE JUDICIAL DEPARTMENT. ARTICLE III.

WE have seen that the first article of the constitution treats of the legislative department, and the second article of the executive department. We now proceed to consider the third article, which relates to the judicial department.

SECTION I. "*The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.*"

The principal courts of the United States are:—

- (1) The supreme court.
- (2) The circuit court.
- (3) The district court.

Besides these there are:—

- (1) Courts of claims, established in 1855.
- (2) Supreme court of the District of Columbia.
- (3) Supreme courts in the territories.
- (4) District courts in the territories.

Of these latter it is not necessary here to speak.

The supreme court at the present time consists of a chief justice and eight associate justices. These nine

justices correspond to the number of circuits, and one of them is assigned to each circuit. There are nine circuit courts, with nine judges of these courts. Appeals may be taken from the circuit court to the supreme court. These circuit courts are again divided into districts, every state having at least one district court. Some of the larger states are divided into two and three districts.

The salaries of the district judges vary from thirty-five hundred dollars to five thousand dollars. The judges of the circuit courts receive a salary of six thousand dollars. The associate justices of the supreme court have a salary of ten thousand dollars, and the chief justice of this court receives ten thousand five hundred dollars.

SECTION 2, CLAUSE 1. *“The judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States, and treaties made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state, claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.”*

Only certain kinds of cases can be brought before the United States courts. These courts have jurisdiction in the following cases:—

(1) All cases in law and equity arising under the constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.

(2) All cases affecting ambassadors, other public ministers, and consuls.

(3) All cases of admiralty and maritime jurisdiction.

(4) Controversies to which the United States shall be a party.

(5) Controversies between two or more states.

(6) Controversies between a state and the citizens of another state.

(7) Controversies between citizens of different states.

(8) Controversies between citizens of the same state claiming lands under grants of different states.

(9) Controversies between a state, or the citizens thereof, and foreign states, citizens, or subjects.

The judicial power of the United States is here extended (see 6) to controversies between a state and citizens of another state. This clause gave much discussion at the time the constitution was adopted, and the states were unwilling to be subjected to law suits brought by citizens of other states. Accordingly, an amendment to the constitution was proposed, and on the 8th of January, 1798, the president announced to the congress that the amendment had been adopted by three-fourths of the states, and was, therefore, a part of the constitution. This constitutes the eleventh of the amendments, and is as follows :—

*“ The judicial power of the United States shall not be construed to extend to any suit in law, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.”*

Such cases must be brought before the state courts.

CLAUSE 3. *“ The trial of all crimes, except in cases of impeachment, shall be by jury ; and such trial shall be*

*held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed."*

A jury consists of twelve men, selected according to law, to determine matters of fact in a legal trial. The right of trial by a jury of one's peers was a right highly esteemed by the people of Great Britain, which they a long time ago compelled their king to yield to them. This right is here made a part of the constitution of our country, and although not yielding all the good fruit which might be desired, yet is considered as one of the guarantees of a fair trial to any one accused of crime.

This clause also provides that all trials for crime shall be held in the state where such crime has been committed.

SECTION 3, CLAUSE 1. "*Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.*"

This clause defines treason as consisting of only two things, —

(1) In levying war against the United States.

(2) In adhering to their enemies, giving them aid and comfort, and it provides that "no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

CLAUSE 2. "*The congress shall have the power to*

*declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted."*

The terms here used refer to an English custom. The old English law provided certain consequences as to the mode of execution of one who had been convicted of treason. He was to be put to death in a cruel manner, and his conviction involved what was called attainder, and this worked corruption of blood, or forfeiture.

There was no judgment of attainder, but the attainder was incident to the conviction as a matter of course. This attainder, as a natural consequence, was supposed to include corruption of blood, or forfeiture. His property of every kind was forfeited. His children could not inherit property from his ancestors through him. What was termed "corruption of blood" destroyed the power to inherit property.

Our constitution prescribes that the offender himself shall bear the punishment. It shall not descend to his children. There may be forfeiture, but this is rather in the nature of a fine, made at his conviction. This clause does not mean that the forfeiture shall extend only during the life of the person. The forfeiture or fine once made, of course the property or fine goes to the government permanently and not temporarily.

## CHAPTER XI.

### MISCELLANEOUS PROVISIONS.

ARTICLE IV. — The first section of this article states, that “full faith and credit shall be given to the public acts, records, and judicial proceedings of every other state, and the congress, may, by general laws prescribe the manner in which said acts, records, and proceedings shall be proved, and the effect thereof.”

(1) “Full faith and credit.” By these words are meant that the other state shall give the same credit, which the state itself gives to the acts, etc., when these have been proven.

(2) “Public acts.” By these are meant the laws of the state, or the action of the legislature.

(3) “Records.” These refer to general matters of legal record, such as laws, real estate records, legislative journals, etc.

(4) “Judicial proceedings.” The reference here is to the acts of the courts, judgments, orders, proceedings. In obedience to the last part of the clause, congress, at an early date passed an act specifying that the acts of the legislature of a state shall be authenticated by its seal. The same act also specifies the form of proof necessary for the records of a court, and the attestation of the clerk together with the certificate of the judge. Such records and proceedings must receive full faith and credit in the courts of other states.



The second section of this article directs, that "the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states." This section also has the following clause:—

CLAUSE 2. "*A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime.*"

A fugitive from justice may be arrested and retained prior to the demand of the governor. Some of the nations have treaties with each other by which a fugitive from justice, who has escaped from one to another of these nations, must be given up on demand. This is called *extradition*. This term is sometimes applied to the giving up of a fugitive from justice, by the governor of one state, on request of the governor of another state, but strictly speaking, extradition is international. The interstate surrender is not extradition.

The third clause of this section provides that persons "held to service or labor" under the laws of one state escaping into another must be delivered up. This is the famous fugitive-slave clause which has figured so conspicuously in the history of this nation, but happily has no bearing upon present affairs, since the slaves have been emancipated throughout the entire nation.

SECTION 3, CLAUSE 1. "*New states may be admitted by the congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, without the consent of the legislatures of the states concerned, as well as of the congress.*"

It is interesting here to observe how the balance of power was for so long a time kept up in the United States senate between the free states and the slave states.

Seven of the thirteen original states were free states at the time of the adoption of the constitution, and six of them were slave states. The first added state was Vermont, a free state, which was admitted into the union by an act of congress in 1791.

In 1792, Kentucky, a slave state, was admitted.

In 1796, Tennessee, a slave state, was admitted.

We began the century, therefore, with eight free states and eight slave states.

In 1802, Ohio, a free state, was admitted.

In 1812, Louisiana, a slave state, was admitted.

In 1816, Indiana, a free state, was admitted.

In 1817, Mississippi, a slave state, was admitted.

In 1818, Illinois, a free state, was admitted.

In 1819, Alabama, a slave state, was admitted.

In 1820, Maine, a free state, was admitted.

In 1821, Missouri, a slave state, was admitted.

In 1836, Arkansas, a slave state, was admitted.

In 1837, Michigan, a free state, was admitted.

In 1845, Florida, a slave state, was admitted.

In 1845, Texas, a slave state, was admitted.

In 1846, Iowa, a free state, was admitted.

In 1848, Wisconsin, a free state, was admitted.

It thus appears that for half a century, up to 1850, the balance of power had been preserved in the senate, by the admission of an equal number of free states and slave states.

There had been a severe contest on the admission of

Missouri, which finally resulted in what is known as the "Missouri Compromise," by which that state came in as a slave state, with the proviso passed by congress that north of its southern line no more slave states should be admitted.

The breadth of the northern country was much greater than that of the southern section. The opportunity, therefore, for the admission of northern states, which would be likely to be free states, was greater than for the admission of southern states, which would probably be slave states; hence those efforts were made, which in 1845 resulted in the annexation of Texas to this country. The republic of Texas when annexed to the United States contained about 300,000 square miles, a territory larger than that of France, or Spain, or Italy, or the present German Empire. Here was a territory out of which many southern states in time might be carved. It is a little singular that to this day Texas remains intact; except that a portion of its western land was purchased by the United States long since, and afterwards annexed to the territory of New Mexico.

After the purchase of New Mexico and California, at the close of the Mexican War, the South had a wide extent of new territory, and California was the first state from this territory to form a constitution and ask to be admitted to the union. The influx of population, after the discovery of gold in that distant region, had proved to be more largely from the North than from the South. This resulted in the formation of a free state constitution.

In 1850, California, a free state, was admitted.

In 1850, Minnesota, a free state, was admitted.

In 1859, Oregon, a free state, was admitted.

Then came the severe contest upon the "Kansas-Nebraska Bill" so called, introduced by Mr. Douglas. This finally resulted in the admission of Kansas in 1861 as a free state. During the war, West Virginia was admitted in 1863, and Nevada was admitted in 1864. Slavery was abolished by an amendment to the constitution, and thus this contest was finally ended.

In 1867, Nebraska was admitted.

In 1876, Colorado was admitted.

CLAUSE 2. "*The congress shall have power to dispose of, and make all needful rules and regulations, respecting the territory or other property belonging to the United States, and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.*"

The consideration of matters growing out of this clause will receive attention in another place.

SECTION 4. "*The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the executive when the legislature cannot be convened, against domestic violence.*"

By this section a republican government is made obligatory upon all the states. No particular department of the United States government is charged with this duty. It would seem reasonable that congress should decide what government is the established one in a state, and this has been sanctioned by a decision of the supreme court. It would seem necessary also that the president, as the executive officer of the national government, and commander-in-chief of the armies of the nation, should

see that the provisions of this section should be enforced.

ARTICLE V. This article treats of the mode of amending the constitution : —

*“ The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislature of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by the conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by congress: provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no state, without its consent, shall be deprived of its equal suffrage in the senate.”*

Two modes of proposing amendments are here given, and there may be two modes of ratification.

(1) Amendments to the constitution may be proposed to the several states by a two-thirds vote of both houses in congress.

(2) Amendments may be proposed by a convention, on the application of the legislatures of two-thirds of the states.

Whenever amendments have been proposed to the states by either of these methods, there are two ways in which they may be ratified : —

(1) By the legislatures of three-fourths of the several states.

(2) By conventions in three-fourths of the several states, as the one or the other mode of ratification may be proposed by congress. As a matter of fact, all the amendments which have been hitherto made have been proposed to the states by congress, and they have all been ratified by the legislatures. It is probable that this method, which has proved satisfactory in the past, will not be departed from in the future.

ARTICLE VI. This article contains several provisions upon miscellaneous subjects, among which the following is of the most consequence:—

CLAUSE 2. *“This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges of every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.”*

This clause is of paramount importance in showing that the government of the United States is supreme, and must be, not merely over the people, but the land, the country, and all places belonging to this nation. The constitution, laws, and treaties are here made the supreme law of the land, and the statement is explicit and emphatic, that “the judges of every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

ARTICLE VII. *“The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.”*

As a matter of fact, the adoption of this constitution was a peaceful revolution.

The articles of confederation provided as follows :  
“And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual ; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the legislatures of every state.”

They further provide “That the articles thereof shall be inviolably observed by the states they respectively represent, and that the union shall be perpetual.”

Contrary then to these provisions of the articles of confederation which were emphatically the supreme law of the land, this constitution should go into effect between nine states as soon as ratified by that number.

## CHAPTER XII.

### THE AMENDMENTS TO THE CONSTITUTION.

CONVENTIONS were called in the several states to discuss, and adopt or reject, this constitution. After a time it was adopted by all of the thirteen original states, yet in several conventions there was a strong desire for certain modifications to satisfy the evident will of the people.

Congress, at its first session under the constitution, proposed to the states twelve articles of amendments. Of these twelve articles, ten were ratified by the legislatures of three-fourths of the states, and became part and parcel of the constitution from the fifteenth day of December, 1791. These amendments constitute the first ten of the amendments to the constitution. They, in general, relate to the rights of the people, and to limitations of government. (The teacher is advised to turn back to the constitution and read these amendments, discussing them in an informal way with the class.)

The eleventh amendment was proposed at the first session of the third congress, in 1794, and was declared adopted as a part of the constitution Jan. 8, 1798. It is as follows:—

ARTICLE XI. "*The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the*



*United States by citizens of another state, or by citizens or subjects of any foreign state."*

The twelfth amendment relates to the manner of electing president and vice-president, and has already been considered. It was proposed at the first session of the eighth congress, in 1803, and was adopted by the requisite number of states the next year. At present there are three other amendments, the thirteenth, fourteenth, and fifteenth, all of which have grown out of the civil war.

ARTICLE XIII. SECTION I. "*Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.*"

SECTION 2. "*Congress shall have power to enforce this article by appropriate legislation.*"

This amendment was proposed by congress in 1865, and ratified by the constitutional number of states the same year.

ARTICLE XIV. SECTION I. "*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.*"

SECTION 2. "*Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right*

*to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state."*

SECTION 3. "No person shall be a senator or representative in congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two-thirds of each house, remove such disability."

SECTION 4. "The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void."

SECTION 5. "*The congress shall have power to enforce, by appropriate legislation, the provisions of this article.*"

This amendment was proposed by congress in 1866, and was declared to be a part of the constitution in July, 1868. It need not be further discussed here.

ARTICLE XV., SECTION 1. "*The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.*"

SECTION 2. "*The congress shall have power to enforce this article by appropriate legislation.*"

The object of this article was to secure suffrage to the colored race, especially to the freedmen of the South. It specifies three points in respect to which the right of citizens of the United States to vote, shall not be denied or abridged, either by the national or state governments:—

- (1) On account of race.
- (2) On account of color.
- (3) On account of previous condition of servitude.

It was at first proposed to add two other points, nativity and religion, but these were stricken out before the proposed amendment was sanctioned by congress.

This amendment was proposed by congress in 1869, and was declared to be ratified in 1870.

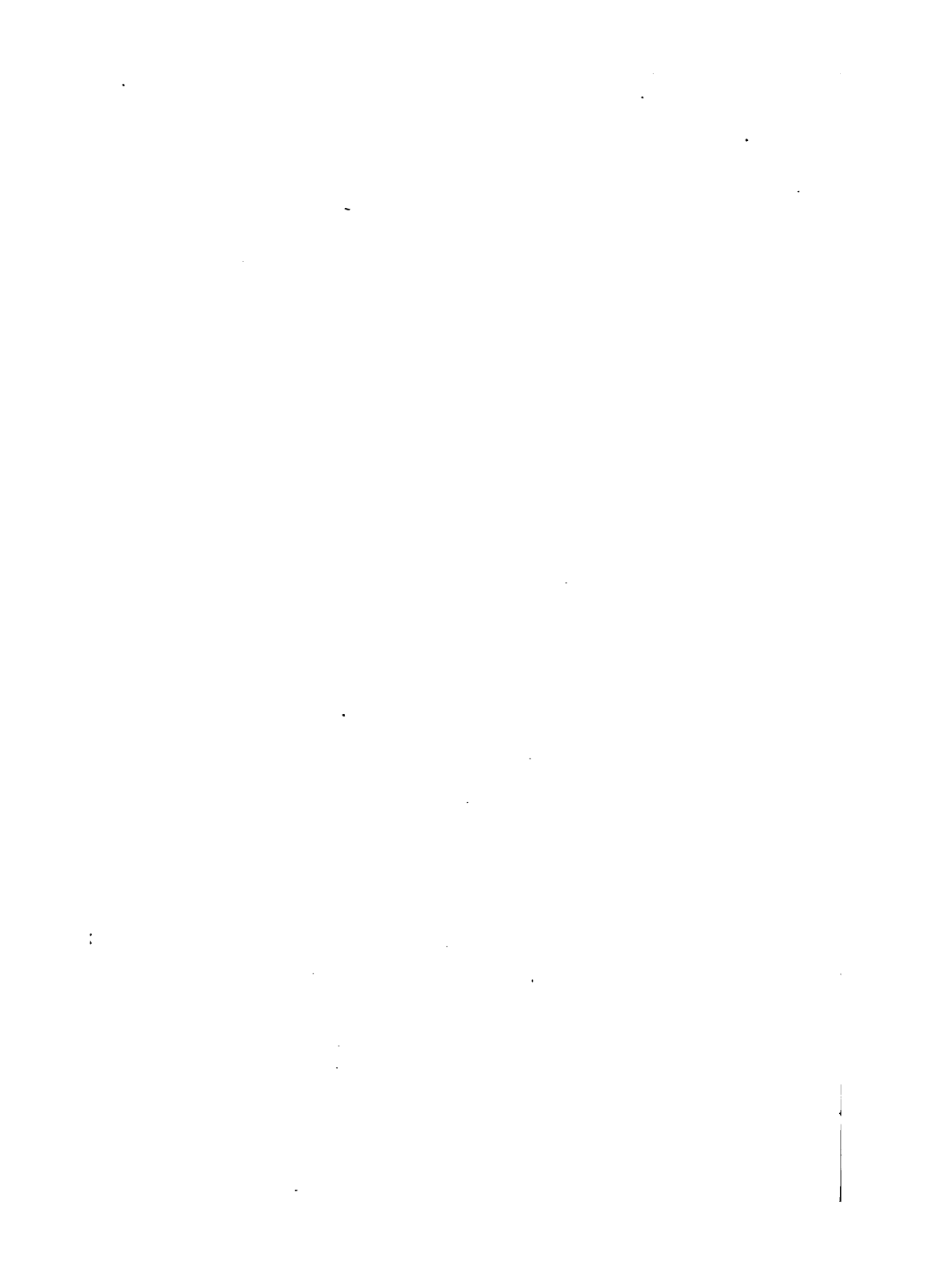
PUTTING THE CONSTITUTION INTO OPERATION.—In July, 1788, a committee was appointed by the congress to report an act for putting the constitution into operation. This committee reported an act which was adopted on the 13th of September, as follows:—

"RESOLVED, *that the first Wednesday in January next be the day of appointing electors in the several states,*

*which, before the said day shall have ratified the said constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective states, and vote for a president; and that the first Wednesday in March next be the time, and the present seat of congress the place, for commencing proceedings under the said constitution."*

The first Wednesday in March, 1789, happened to be the fourth day of the month, and as one presidential term and two congresses occupied, by the constitution, exactly four years, it follows that the inauguration of the president is to take place on the fourth day of March every fourth year, beginning with 1789.

Washington was elected president by unanimous vote. John Adams was declared elected vice-president, and the new government went into operation quietly and with the general sanction of the people of the country. It is not a little remarkable that the first president should have been elected unanimously, and re-elected unanimously. No president since his day has received a unanimous vote of all the electors.



## PART III.



### CHAPTER I.

#### THE GOVERNMENT UNDER THE CONSTITUTION: ITS HISTORY AND PRACTICAL OPERATION.

THE LEGISLATIVE DEPARTMENT.— We have seen that the government is practically divided into three departments. Of these the legislative department is in some respects of primary importance. This department is organized in two houses, the senate and house of representatives.

The representatives are elected by the people of their several districts for the term of two years.

The state is divided into as many districts as it is entitled to representatives in congress. Each of these is termed a congressional district. The people of that district elect one member to congress. The senators are elected by the state legislatures, and hold their office for six years. No state elects its two senators at the same time. One senator is elected within the year preceding the beginning of his term, and the other senator from that state is elected either two or four years later.

We have seen that the compensation of members of congress and senators is the same, five thousand dollars a year; with mileage at the rate of twenty cents a mile, in going and returning.

**THE SENATE.** — The vice-president of the United States is the presiding officer of the senate, under the name of president of the senate. He has no vote unless the senate is equally divided ; in that case he has a casting vote. Many consider this a mistake, since it operates only in one way, and that in the wrong direction. If the senate is equally divided and there is not a majority in favor of the bill, it ought to fail. If the casting vote of the vice-president, who is not a member of the senate, is thrown in favor of the bill, then he makes the law. If it is thrown against the bill it has no influence whatever, since the bill would have failed equally if he had not voted.

The president of the senate signs all bills and resolutions that are passed by the senate. His salary is eight thousand dollars.

The constitution makes no provision for the succession to the vice-presidency. If the vice-president dies, or if he succeeds to the presidency, the senate chooses a president *pro tempore* ; but strictly this does not constitute him vice-president, although that term has been frequently applied in such cases, and may by force of precedent come to be an established usage. The constitution, however, is silent in reference to this matter, and no law has been passed by congress for filling the vacancy in the office of vice-president.

Several vacancies have occurred in this office ; the first was occasioned by the death of George Clinton in 1812, during the term of Jackson's administration. John-C. Calhoun resigned as vice-president in December, 1832. This was during the troublous days of nullification in South Carolina, when Mr. Calhoun preferred to be on the

floor of the senate, as a member, rather than in the chair as presiding officer. He therefore resigned, and was immediately elected senator. A vacancy was occasioned by the death of President Harrison in 1841, when John Tyler, the vice-president, became president. Again, on the death of President Taylor in 1850, Millard Fillmore became president, and the office of vice-president was vacant.

William R. King was elected vice-president for the four years beginning March 4, 1853; at that date he was in ill health and out of the country. It is understood, however, that he took the oath of office, March 4, 1853, before a United States consul. He died the 18th of April following.

Andrew Johnson, by the death of President Lincoln, became president in 1865, and the vice-presidency was vacant then for nearly four years. Henry Wilson died in 1875, and the office was vacant until March 4, 1877. The other officers of the senate, with their salaries, are as follows:—

(1) The secretary of the senate, salary four thousand eight hundred and ninety-six dollars.

(2) The sergeant-at-arms, salary four thousand three hundred and twenty dollars.

(3) Chaplain, salary nine hundred dollars.

HOUSE OF REPRESENTATIVES. — The presiding officer is called the speaker of the house. Like the president of the senate *pro tempore*, the speaker is a member of the body over which he presides, and has a vote on all questions. It is his duty to sign all bills and resolutions passed by the house.

In the senate, the standing committees are elected



from the floor by ballot. In the house the speaker appoints the committees.

The speaker has the right to vote on all questions, but he is required to vote in case of a ballot. His salary is the same as the president of the senate : eight thousand dollars. The other officers of the house, with their salaries, are as follows :—

- (1) The clerk, salary four thousand five hundred dollars.
- (2) Sergeant-at-arms, salary four thousand dollars.
- (3) Door-keeper, salary two thousand five hundred dollars.
- (4) Chaplain, salary nine hundred dollars.

The senate usually has twenty-eight standing committees, besides several select and joint committees. The house usually has forty-three standing committees. A standing committee in the senate usually has nine members, and in the house eleven members. There are three joint committees :—

- (1) On public printing.
- (2) Enrolled bills.
- (3) On library.

These consist of three members from each house. "All bills for raising revenue" must originate in the house. Hence the senate has no committee on ways and means. This committee in the house is regarded as the most important committee, and the chairman is next in honor to the speaker of the house. The most important committees are those on :—

Ways and means.	Public expenditures.
Appropriations.	Naval affairs.
Judiciary.	Territories.
Foreign relations.	Military affairs.

Elections.	Mines and mining.
Banking and currency.	Freedmen's affairs.
Commerce.	Education and labor.
Post-office.	Revision of the laws.
Claims.	Patents.
Pacific railroads.	Public buildings.
Indian affairs.	Pensions.
Public lands.	Agriculture.
District of Columbia.	Manufactures.

In discussing a question it is often customary for the house to resolve itself into a committee of the whole. This gives opportunity for free discussion, without the restraint which the strict rules of the house imposes. When the house resolves itself into a committee of the whole, the speaker leaves the chair, and a chairman is appointed. When the discussion closes the committee rises, the speaker resumes the chair, and the chairman reports its proceedings to the house.

THE EXECUTIVE DEPARTMENTS. — It is a wise provision of the constitution which places the full executive power in the hands of one man. The constitution makes no provision for a cabinet, but it gives the president authority to "require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices."

This presupposes that executive departments will be established in order that the various and multiform duties which pertain to the several divisions of the executive work of the national government shall be systematically and efficiently attended to.

The various executive departments have been estab-

lished by law. These are now seven in number, namely :—

- (1) The department of state.
- (2) The department of the treasury.
- (3) The department of war.
- (4) The department of the navy.
- (5) The department of the post-office.
- (6) The department of the interior.
- (7) The department of justice.

The heads of these seven departments constitute the president's cabinet. Their official titles are as follows :—

- (1) The secretary of state.
- (2) The secretary of the treasury.
- (3) The secretary of war.
- (4) The secretary of the navy.
- (5) The postmaster-general.
- (6) The secretary of the interior.
- (7) The attorney-general.

And for the more efficient management of the business, several of these departments are subdivided into bureaus.

All the heads of departments are appointed by the president, by and with the advice and consent of the senate. The salaries of these officers are eight thousand dollars a year each.

**THE DEPARTMENT OF STATE.**— This was originally styled the department of foreign affairs. The name was soon changed to the department of state. The secretary of state is generally considered as the highest officer in rank of the executive departments under the president. It is his duty to keep the seal of the United States, and to affix it to all commissions issued by the president.



THE NEW STATE, WAR, AND NAVY BUILDING.



He issues all proclamations in the name of the president, and furnishes copies of papers and records of his office when required.

He keeps the correspondence with foreign powers, and it is his special province, also, to preserve the original of all laws, public documents, and treaties with foreign powers. It is also his duty to conduct the correspondence with our ministers and consuls to other countries, with foreign ministers accredited to our government, and to him is confided the general charge of our foreign relations. He issues passports to our citizens visiting foreign countries, and it is his duty to issue warrants for the extradition of criminals to be delivered up to foreign governments.

The department of state has a diplomatic bureau, consular bureau, and a domestic bureau.

**PUBLIC MINISTERS AND CONSULS.** — All persons who are sent abroad to represent our government are connected with the department of state.

The different ranks of our ministers are as follows :—

- (1) Ambassadors.
- (2) Envoys extraordinary and ministers plenipotentiary.
- (3) Ministers resident.
- (4) *Chargés d'affaires*.
- (5) Secretaries of legation.

The ambassador, and the envoy extraordinary, and ministers plenipotentiary have the same pay, and appear to be of equal rank. Strictly speaking, we never send ambassadors to foreign governments.

Envoys extraordinary and ministers plenipotentiary are sent to thirteen governments. Four are of the

first rank, namely: Great Britain, the German Empire, France, and Russia. Seven are of the second rank, namely: Mexico, Brazil, Spain, Italy, Austria, China, and Japan. Two are of the third rank, namely: Chili and Peru. The salaries of these ministers range from ten thousand dollars to seventeen thousand five hundred dollars a year.

Ministers resident are sent to the Argentine Republic, Venezuela, Hawaiian Islands, Belgium, Netherlands, Sweden, and Norway. These officers receive seven thousand five hundred dollars a year. Our government sends one minister resident to the countries of Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua. This officer has a salary of ten thousand dollars. Our minister to Hayti receives a salary of seven thousand five hundred dollars, and is termed a minister resident and consul-general. Our minister resident to Liberia has four thousand dollars a year.

*Chargés d'affaires* receive five thousand dollars each, and are sent to various countries of inferior rank.

The secretary of legation is the clerk to the foreign embassy. Consuls are not diplomatic agents of our government, but commercial agents residing abroad, whose duty it is to watch over the interests of our commerce and our citizens, in the ports of the different countries. It is their duty also to protect the rights of our seamen. We have at the present time, in foreign ports, fifteen or twenty consuls-general and commercial agents. Their salaries range from one thousand dollars to six thousand dollars per annum. Many consuls are principally paid by fees.

THE TREASURY DEPARTMENT. — Of late years the

importance of this department has greatly increased. During the civil war the government issued bank bills, termed greenbacks, and established a system of national banks, which have increased materially the number of officers and employees in this department. Under the secretary of the treasury are the following officers :—

- (1) The comptroller.
- (2) Auditor.
- (3) Treasurer.
- (4) Register.
- (5) Assistant secretary.

This department has charge of the management of the revenue, superintends its collection, and grants warrants for money to be issued from the treasury, in pursuance of appropriations made by law, and generally performs all needful services relative to the finances of our country. There are various bureaus in the treasury department, as :—

- (1) The bureau of the first comptroller.
- (2) The bureau of the second comptroller.
- (3) The bureau of the first auditor.
- (4) The bureau of the second auditor.
- (5) The bureau of the third auditor.
- (6) The bureau of the fourth auditor.
- (7) The bureau of the fifth auditor.
- (8) The bureau of the sixth auditor.
- (9) Treasurer.
- (10) Register.
- (11) Commissioner of customs.
- (12) Comptroller of currency.
- (13) Commissioner of internal revenue.
- (14) Bureau of statistics.



(15) The mint.

(16) Bureau of engraving and printing.

The office of the coast survey is connected with the treasury department. This office prepares charts from actual surveys of the seacoast of the United States.

The surveys of the Great Lakes are under the control of the war department.

The light-houses of the United States were formerly under the control of the treasury department, but since 1852 this branch has been committed "to the light-house board of the United States."

This board consists of three officers of the army, three of the navy, and two civilians, noted for their scientific attainments, with the secretary of the treasury president of the board *ex officio*. This board has in charge more than one thousand light-houses, besides light vessels, beacons, and buoys innumerable.

Under this department also is the supervising architect, who has general charge of the plans and the construction of all United States buildings; such as custom-houses, court-houses, post-offices, etc.

THE WAR DEPARTMENT. — This department has various subdivisions, as follows:—

- (1) The office of the adjutant-general.
- (2) The office of the quartermaster-general.
- (3) The office of the commissary-general.
- (4) The office of the postmaster-general.
- (5) The office of the chief of engineers.
- (6) The ordinance office.
- (7) The signal office.
- (8) The bureau of military justice.

These several divisions will be understood from their

titles. The bureau of military justice is in charge of an officer with the rank of a brigadier-general, called a judge-advocate-general.

The war department has the supervision of the United States military academy at West Point. This school for the education of officers for the army was established by the government in 1802. At present the number of cadets authorized by congress is three hundred and forty-four. These are appointed as follows :—

One from each congressional district, one from each of the organized territories, one from the District of Columbia, and ten from the United States at large. These all are appointed by the president, but each member of the national house of representatives nominates the candidate for his district ; the appointment is, however, made by the president. The president has in his hands entirely the appointment of the ten candidates at large. The appointees must be not less than seventeen, nor more than twenty-two, years of age, and they are expected to serve in the army eight years, unless sooner discharged.

The examination for admission to West Point is careful and accurate upon the elements of a good education. Thoroughness and accuracy are insisted upon in arithmetic, geography, English grammar, reading, writing, spelling, and the history of the United States.

Of late years many congressmen, when an appointment is to be made from their district, hold a competitive examination, and nominate for the position the one who in respect to his mental qualifications and scholarship, together with his physical health, strength, and development, shall have passed the best examination.

The course of study at West Point is designed to give the best preparation for the duties of an officer in the army. Mathematics and careful training in the natural sciences are particularly insisted upon. The course of study is rigid and exact. The cadets are drilled, during their four years' course, in the three arms of the service.

The superintendent and principal members of the faculty are regular officers in the army. Each cadet receives an allowance, during his term of study, sufficient to pay his entire expenses : clothing, board, etc. The entire expense of the academy is met by the United States government. For this purpose an appropriation is made by congress annually of more than three hundred thousand dollars.

**THE DEPARTMENT OF THE NAVY.**— By an act of congress, passed in 1862, eight bureaus were established in the navy department, as follows :—

- (1) The bureau of yards and docks.
- (2) The bureau of equipment and recruiting.
- (3) The bureau of navigation.
- (4) The bureau of ordnance.
- (5) The bureau of medicine and surgery.
- (6) The bureau of provisions and clothing.
- (7) The bureau of steam engineering.
- (8) The bureau of construction and repairs.

The government maintains a naval academy, which is established at Annapolis, similar to the military academy at West Point.

The students in this academy as cadet-midshipmen must be not less than fourteen, nor over eighteen, years of age. One is authorized from each congressional dis-

trict and from each territory, with ten at large as in the case of the military academy.

The course embraces six years, and the student on graduating becomes midshipman, subject to promotion as vacancies occur. The entire cost of the naval academy is met by the government, and requires an annual appropriation of two hundred thousand dollars or more.

THE DEPARTMENT OF THE INTERIOR. — This department was not established until 1849. Under it are the patent-office, pension-office, the land-office, the bureau of Indian affairs, the science bureau, and the bureau of education.

THE LAND-OFFICE. — The chief officer of this bureau is styled the commissioner of the general land-office. Under the commissioner are the following officers:—

- (1) Surveyors-general.
- (2) Registers of land-offices.
- (3) Receivers of land-offices.

Many years ago the United States adopted a system of survey for public land. This system provides that the immense tracts of western lands belonging to the United States government should be divided into ranges, townships, sections, and fractions of sections. The ranges are bounded by meridian lines six miles apart, and are numbered from a standard of principal meridian east and west. These ranges are divided into townships of six miles square, and numbered from a given parallel north and south.

The townships are divided into thirty-six sections, of one mile square, each of six hundred and forty-eight acres. These sections are divided, as may be needed, into halves, quarters, and in some cases to sixteenths.

The sections in a township are numbered as indicated in the following diagram :—

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

This system of marking the division of lands makes the description of any individual tract very simple.

If one should purchase a section, the deed would specify the number of the section, — in such a township and such a range ; or if a section were purchased, the description might be as follows :—

The northeast quarter of section twenty-four, township seventeen north, range nine east. The government sells this land and issues a patent, which is signed by a secretary appointed by the president, and also signed by a proper recorder of the land-office.

The quarter-section is one hundred and sixty acres. These quarter-sections are divided into lots of forty acres each. If one lot was sold it would be indicated as follows :—

The northwest quarter of northeast quarter of section seventeen.

		<i>B</i> 、	<i>A</i>
		<i>C</i>	<i>D</i>

SECTION 17.

In the above diagram the description just given applies to lot *B*.

THE POST-OFFICE DEPARTMENT.—Probably this is the oldest department under our government. Prior to the revolution the British government had established a system of mails through these colonies, and Dr. Benjamin Franklin was the superintendent of this system. In July, 1775, only a month later than the battle of Bunker Hill, Dr. Franklin received from the second continental congress the appointment of postmaster-general of the united colonies.

In September, 1789, the first congress under the constitution made provision for the establishment of the post-office system, and appointed a postmaster-general. As a matter of fact the federal government never passed an act establishing the post-office department. It was assumed to be in existence, and various acts were passed for regulating its management. There are three assistant postmasters-general. The first assistant is in charge

of the appointment office, the second of the contract office, the third of the finance office. There is also a superintendent of foreign mails.

The chief officer of the money-order bureau is styled the superintendent of the money-order system.

Great improvements have been made, especially within twenty-five years past, in the management of postal affairs. Originally the mails were carried by mail-agents on horseback, with relays of horses at convenient places. Later they were generally carried on stage-coaches, and where there was no stage route by mail-wagons.

At the present time the mails are principally carried by the railroads. Mail routes are designated in contracts made with the various railways by the post-office department, and a mail-car is attached to the train. A mail-agent appointed by the government, in charge of this car, receives, assorts, and delivers the mail-matter. For this purpose leather or canvas pouches are furnished by the government for mail-bags. The mail-agent has one or more of these pouches for every post-office on his line. While the train is in motion he assorts the mail-matter already received, places it in the proper pouch, and is ready to deliver it on arriving at the proper station. This pouch is taken by a mail-agent at the station, who carries it to the post-office and delivers it to the postmaster. Special postal locks are furnished by the government for the safe transportation and delivery of the mails. Stringent laws are in operation against robbing the mails.

It will readily appear that great care, promptness, and accuracy is needed in assorting this mail-matter, and preparing it for delivery. Especially is this true of the

principal lines of railroad leading to large cities ; for example, between New Haven and New York, or between Philadelphia and New York ; and a large number of mail-agents are required in the mail-cars, whose business it is to assort the mail-matter and deposit it in proper pouches, carefully marked, that on the arrival at New York the matter can at once be placed in the proper boxes in the post-office, and delivered with the least possible loss of time.

Formerly in all large cities there were distributing post-offices. Into this department the mail-pouches had to be brought from all directions, which contained matter to be forwarded to distant points. All this matter had to be overhauled, arranged, and put into the proper pouches for further transportation ; for example, at New York, mail-matter from New England, designed for the south and west, would be all poured out upon large tables, assorted, divided, and thrown into proper pockets, for carrying to Philadelphia, Harrisburg, Baltimore, Washington, etc. ; while at the same time and at the same distributing office would be received the mails from the south and west, to be overhauled in like manner and forwarded to the east.

Much time was consumed by this frequent change and examination of the mail-matter. Time has now become so important a factor in the transaction of business, that every facility must be employed for the rapidity of transmission. Hence, most of the distributing offices have been abolished, and mail-pouches are now made up in Boston, New York, Philadelphia, and all large cities, to be forwarded through to the most distant points, like San Francisco, Portland, Oregon, Montreal, and Quebec.

**CHEAP POSTAGE.** — Formerly, but within the recollection



tion of persons now living, it cost five cents to transmit an ordinary letter to any post-office within thirty miles, ten cents for a longer distance, and from that up to twenty-five cents across the continent.

All postage was then paid by the receiver at the end of the route. Fifty years ago there was no pre-payment of postage, and between forty and fifty years ago a law was passed by congress establishing the postage of a single letter at three cents for any distance within our country, provided the sender should pay the postage; if not prepaid, the postage should be five cents.

In this way people became accustomed to pre-paying postage, so that after a few years another act was passed by congress, requiring pre-payment of postage on all letters, establishing the rate at three cents for an ordinary letter without regard to distance. At the present time the postage on letters not exceeding one ounce in weight is two cents to any part of our country, and including the British Provinces of North America.

Some years ago a postal league was entered into by the principal civilized nations of the earth, establishing the uniform rate of five cents as the postage for all letters, of proper weight, from any one of the countries within the postal league to any other.

The experiment of cheap postage, which was first introduced into Great Britain a generation or more ago, has proved entirely successful. In that country the contest for this improvement was severe and protracted. Rowland Hill and others devoted themselves with great energy to the philanthropic enterprise of bringing about this much-needed reform.

When the reduction of rates had proved successful in

the mother country, it was quickly introduced by our government, and from time to time, as the rate of postage has been diminished, it has been found that the receipts of the post-office department have increased. At the present time the post-office department more than pays for itself, excepting in the more sparsely populated districts of some sections of our country.

THE DEPARTMENT OF JUSTICE. — The office of attorney-general was created by the first congress in 1789, but the department of justice was not established until 1870. This officer, however, has always been recognized as a member of the cabinet. Under the attorney-general are:—

- (1) The solicitor-general.
- (2) An assistant attorney-general.
- (3) An assistant attorney-general at the court of claims.
- (4) An assistant attorney-general in the department of the interior.
- (5) An assistant attorney-general in the post-office department.
- (6) A solicitor of internal revenue.
- (7) Naval solicitor.
- (8) Examiner of claims.
- (9) Solicitor of the treasury.
- (10) An assistant solicitor.

All of these officers are appointed by the president and senate. Besides these officers, in this department are employed many persons, as clerks, copyists, etc.

MONEY AND BANKING. — We have already considered the coins of our country and the mints. Our money system is bi-metallic, both gold and silver coins being legal tender. The gold and silver coins are the ordinary

and legitimate legal tender in payment of debts. This is customary among the nations generally.

The rapid growth of our country, with the corresponding increase of business and population, has made it impossible for us to secure a sufficient amount of coin to carry on the necessary business of the country.

Banks were early established under charters from the various states. This is not prohibited by the constitution. Prior to the civil war, the bank-notes issued by the various state banks in all parts of the country amounted to a very large sum, and were an important aid in carrying forward the immense business of the country.

The exigencies of the times during the civil war, especially the need for very large sums of money by the government to carry on the war, gave occasion for new legislation by the national government upon this subject.

In 1864 a bill was passed by congress, providing for a bureau of currency in the treasury department under the direction of an officer called the comptroller. This bill provides that national banks may be formed by voluntary associations, with power to issue bills, receive deposits, loan money, and perform the ordinary functions of banks.

A year or two later congress passed another act, levying a tax of ten per cent upon all notes issued by state banks used for circulation after Aug. 1, 1866. Practically, this, of course, excluded the bills of the state banks from circulation, so that nearly all of those banks throughout the country either closed their business or transferred it to national banks, which were formed to take the place of the old state banks.

**THE NATIONAL BANK SYSTEM.** — By the national banking law a company of five or more citizens can

organize a national bank. The capital stock of this bank is first paid in by the stockholders. Let us suppose that in a given case this capital stock is to be two hundred thousand dollars. The stockholders have subscribed for this stock, and paid in the full value thereof. Of this two hundred thousand dollars the directors vote to invest, it may be, one hundred thousand dollars in United States bonds. On depositing these bonds with the government, the comptroller of the currency will issue to the officers of the bank blank bills, printed by the national government for this particular bank, to the amount of ninety thousand dollars; that is, nine-tenths of the amount of the bonds. The bank proceeds to put these bills into circulation. What now is the status of the bank? Its capital stock is two hundred thousand dollars. Of this it has invested one hundred thousand dollars in United States bonds, which are deposited with the government. These bonds are interest-bearing bonds, so that the bank receives a fair rate of interest for the money thus invested. It has another one hundred thousand dollars capital remaining in the bank to be loaned, generally for mercantile paper, to meet the business wants of the community. For this it receives a fair rate of interest. The bank is also a bank of deposit, and the business men of the community doing their business at this bank, will keep on deposit, perhaps, another one hundred thousand dollars on an average. This extra one hundred thousand dollars, or a large portion of it, the bank can also loan and receive interest therefor.

The result is, that the stockholders, by paying in a capital of two hundred thousand dollars, are able to

loan nearly four hundred thousand dollars, or double the amount of the capital stock. This extra amount of money to be loaned pays all the expenses of carrying on the business, salaries of officers, rents, etc., and yields a handsome return usually to the stockholders.

This deposit by the bank of United States bonds with the government serves a double purpose. In the first place, it places in the hands of the government the means by which the government can safely guarantee the redemption of the bills issued by the bank. In the second place, the government has sold to the bank its bonds to the amount of one hundred thousand dollars, receiving therefor money which in the first place was used to carry on the war. These outstanding bonds, with others, now constitute the United States debt.

This method of establishing national banks has proved particularly successful. In the first place, all the bills of all the banks throughout the whole country, are printed at the government printing-office in Washington. The paper on which they are printed is so skilfully made, and the engraving of the plates from which they are printed is done with such nicety, that counterfeiting is extremely difficult.

In the next place, the redemption of all these bills payable in coin is guaranteed by the national government; so that the bills issued by any particular bank are not confined in their circulation to the sections of the country where the bank is known, but can circulate throughout the country with equal safety. Thus we have a national currency with entire safety to all bill holders. It is safe to say that no banking system has ever yet been devised which has proved more successful than this.

TREASURY NOTES. — During the war the government issued a paper currency usually denominated treasury notes, or as they were called in common language, "greenbacks," from the circumstance that the engraved back of the note was printed in green ink. The government made these greenbacks legal tender in payment of debts, and paid them out from time to time for army supplies, soldiers' pay, and other current expenses.

Large amounts of these greenbacks continued to circulate throughout the country with a somewhat uncertain and fluctuating value until 1879, when the government began to redeem them in gold at par. Since then their circulation has been continued on a par value with gold and the notes of national banks. The government, however, has redeemed them to such an extent that the amount in circulation has now materially diminished. It will thus be seen that the treasury department of the government acts in some sense as a bank of issue. It does not loan the money as other banks do, but pays out its bills for current expenses.

The constitution provides that the national government shall absolutely control the coinage of money. It prohibits the states severally from making anything but gold and silver coin a legal tender in payment of debts, and now, by bringing into operation this system of national banks which has proved so eminently successful, our federal government, as it would appear, has established the principle that all forms of money and currency should be under its control.

THE BANKING SYSTEM. — The present banking system which is in operation throughout the entire civilized world is of ancient origin, but within a few centur

past has made rapid advancement, and been subject to important changes and improvements.

There are intimations in history of some kind of banking operations several thousand years ago. It would appear from the letters of Cicero that, during his travels in Greece and through various countries, he carried with him what might be termed bills of credit or circular notes, by which he could obtain money in the different cities through which he passed.

Our modern banking system is of the greatest necessity to the transaction of the varied and extensive lines of business carried on by the complicated methods now in vogue.

A merchant sells his goods and receives the money in payment for them. Each day he counts up his cash and deposits it in the bank where he has chosen to transact his business. The following is a sample of the deposit slip which he fills out and sends to the bank with his money : —

<b>THE BOSTON NATIONAL BANK.</b>		
DEPOSITED BY		
-----		
BOSTON, ----- 188		
<i>Please state name of Bank upon which Checks are drawn, and place band around bills.</i>		
Bills . . . . .		
Gold . . . . .		
Check on . . . . .		
	Bk.	

It will be seen from this ticket that the merchant not only deposits silver and gold coin, and bank-bills, but checks on other banks. These checks he has received from his customers in payment for goods sold to them. On making this deposit the merchant credits cash, and debits the bank. The bank debits cash, and credits the merchant. There may be fifty, or one hundred, or five hundred business men who deposit their money in this one bank. The advantages of the plan are numerous. In the first place, all these amounts of money are deposited in a place of safety. The vaults of the bank are more secure against thieves and against fire than if in the pockets of the merchant, or in the money drawers of his store, or in a private safe.

Another advantage to the depositor is that, without the handling of any money or the trouble of making change, he can pay any bill of current expense, or any debt, of any amount, by a check upon the bank, provided he has a sufficient amount deposited in the bank.

The following is a sample check by which the merchant, John Smith, pays his landlord, Thomas Jones, one month's rent for his store : —

95 MILK STREET.	\$ <u>50.00</u>	Boston, <u>Oct. 1,</u> 188 <u>7</u>
	<b>The Boston National Bank</b>	
	Pay to the Order of <u>Thomas Jones</u>	
	<u>Fifty</u> Dollars.	
No. <u>49</u>	<u>John Smith.</u>	



The advantage to the bank of these deposits is, that from all these merchants it receives and keeps on hand, subject to payment by bank-checks, a large amount of money, the greater part of which it can loan and receive interest upon it.

Now, let us look into this bank and observe what is done with the checks that it receives from its depositors. When the books are made up at the close of the banking hours to-day, the bank has received from its depositors, it may be, several hundred checks for various amounts, larger and smaller. In every large city there is what is called a "clearing house." Every bank in the city keeps a certain amount of money on deposit in the clearing house, with which to redeem its own checks. Every bank then sends daily to the clearing house all checks which it has received, crediting cash and debiting the clearing house therefor. The clearing house credits the bank from which it has received this bundle of checks, and debits cash. The clearing house sends daily to these several banks all their checks which it has received, crediting cash and debiting the banks.

Some of these checks thus deposited in the bank may be drawn upon banks in other places. In that case the clearing house returns them either by mail or special messenger.

It is customary for each bank in Boston, or Chicago, or St. Louis, etc., to have arrangements with some one bank in New York with which it shall transact its New York business

If, now, John Smith wishes to pay a bill in New York, he may draw his check for the proper amount,

payable to his New York creditor, and send that check by mail. The check will find its way back to his bank, and when it is presented the bank will debit it to his account. Or, to pay his bill in New York, he may draw his check for the proper amount, payable to his bank, and send that check to the bank with the request that it shall give him a draft on New York. The bank will return to him a cashier's check on its bank in New York City, which he will send to New York to pay his bill. Thus the bank operates in the first place in its own city, and also with equal facility and advantage in other cities of our country.

INTERNATIONAL BANKING. — Private banking houses are established, with branch houses in different parts of the world, through which bills due in one country, from merchants in another country, can be paid without the risk of the transportation of the money.

When a merchant's individual check or a cashier's check is sent from Boston, Chicago, St. Louis, or San Francisco, to pay a bill in New York, the risk of sending money is avoided. In like manner, an importer in New York, wishing to pay a bill for goods in Liverpool, Paris, Constantinople, or Yokohama, can make payment by buying a draft from one of these international banking houses, and sending it by mail to his foreign creditor. The creditor receives the draft, debits cash, and credits his American friend. This draft he endorses, and deposits it in his own bank, and that bank sends it to the banking house, where it is paid. On the other hand, the merchant in that country, buying goods from America, makes payment in like manner through the same banking house.

The amount of imports from any one of these foreign countries will not exactly balance the amount of exports to that country. This difference gives rise to the term "balance of trade." This balance of trade must be settled from time to time, but even then it is often possible to make settlement without the transmission of any money. For example, New York may import from Paris more than it exports ; then New York will owe Paris the difference. Paris may import more from Liverpool than it exports ; then Paris owes Liverpool the difference. New York may export to Liverpool more than it imports from there ; then Liverpool will owe New York. In this case, if New York should draw on Liverpool and send its draft to Paris, the account for the three places would be settled.

In former times, before the ocean steamers, when there were frequently great delays in the voyages of sailing vessels, duplicate and triplicate bills of exchange were issued between the commercial centres of different nations. If a merchant in New York wished to send a draft to Paris, he would obtain what was then called a "bill of exchange" on Paris. This he would receive in triplicate, one being marked, "This my first of exchange (second and third unpaid)"; the second being, "This my second of exchange (first and third unpaid)"; and the third one reading, "This my third of exchange (first and second unpaid)." One of these he would send by sailing vessel direct to Havre, another, perhaps, to Liverpool, by the first vessel that sailed, and the third he might send by ship to London, or retain it to be forwarded afterward in case one of the others did not reach its destination. The first that arrived would be paid ;

the others would be worthless. At the present day, however, with our steamship lines running with regularity and comparative safety, there is much less necessity for duplicate and triplicate bills of exchange.

Regular drafts are forwarded by merchants from New York to the various commercial centres, and received from those places in the ordinary course of business, almost precisely in the same manner that bills are paid between Boston and New York, or St. Paul and Chicago.

**CIRCULAR NOTES.** — If an American citizen wishes to travel in foreign countries, he may deposit his money in New York, at one of these general banking houses, and receive a draft on London. On his arrival at London he may draw the draft, receiving a portion in money, and for the rest taking a draft on Paris. He may exchange his draft for another on Rome, St. Petersburg, Constantinople, or Cairo, or wherever he wishes to go. A better plan, however, and one which is more usually followed, is the following: Before leaving home he buys in Boston, New York, or elsewhere, a circular note, for whatever sum he thinks may be needed for his entire travels. This circular note is payable, in whole or in part, at his option, at any of the branch houses of this banking establishment. He has a list of these branch houses, and upon his arrival in London he will call on the banking house there, and ask for such a sum as he may need, endorsing the payment of it on the back of the note. On his arrival at Paris, Berlin, or elsewhere, he may draw another amount, and so on until the circular note is exhausted.

This method is of great convenience to travelers, and,

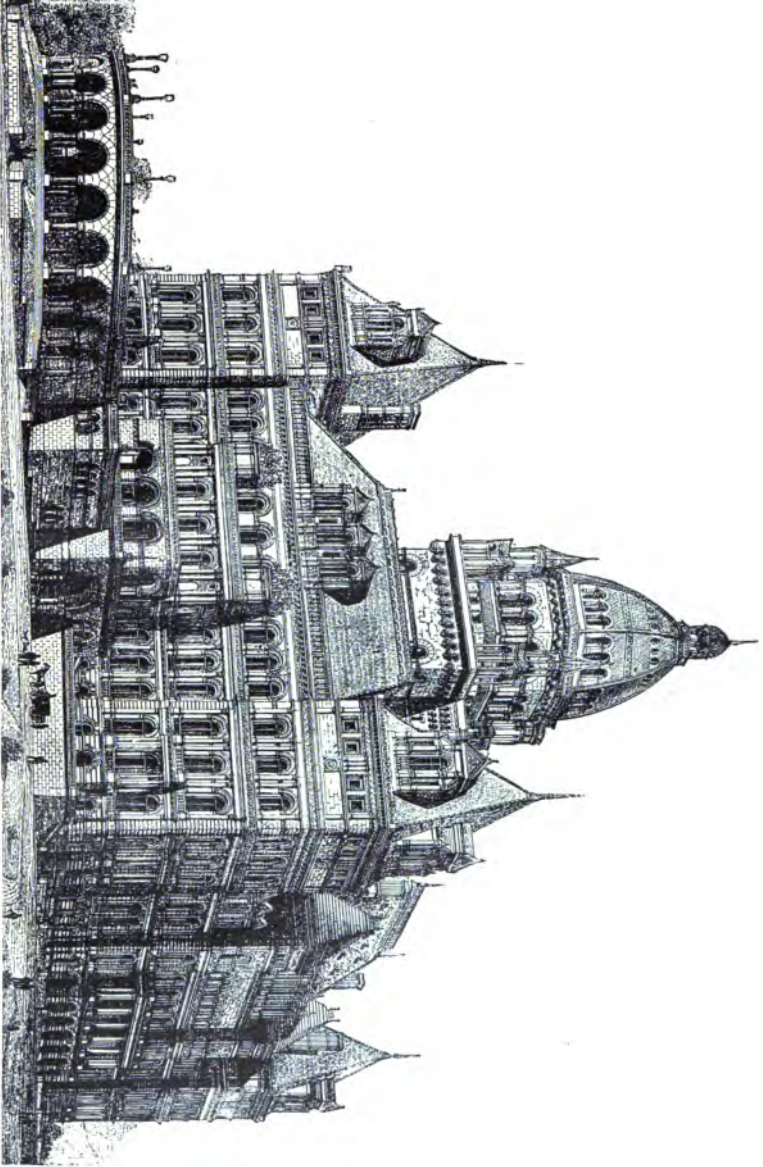
of course, the source of profit to the banks, inasmuch as they gain the interest on the money from the time the note is purchased until the payments are made upon it.

There are great advantages resulting from this system of banking operations. In the first place, the risk of loss is reduced to the minimum. Then again, as a traveler proceeds from one country to another, he finds a different set of coins and bank-notes in circulation. Should he carry American bank-bills to Europe, he must exchange them with a broker, at a discount, for the funds current in the country in which he is to travel.

From the foregoing description it will readily be seen that our modern system of banking, while very simple in itself, is yet complicated and complete, being wonderfully adapted to the business world in the transaction of all money affairs.

[NOTE TO THE TEACHER :— It is hoped that the foregoing description of banking operations will be sufficiently explicit to be readily understood by ordinary pupils in high schools and upper classes in grammar schools. It is, however, recommended to the teacher that he obtain deposit tickets, bank checks, drafts on New York and elsewhere, and, if possible, a blank draft on some foreign country, and a circular note. The former can be obtained from the cashier of any bank and the latter from any international banking house. If there is none such in the town, the teacher can obtain these necessary blanks by writing to any such banking house in New York or other large commercial city.

The teacher is also recommended to obtain all possible information from bank officers and business men, so as to be able to supplement the information given above, and to answer all questions that may be asked by the class.]



THE NEW STATE CAPITOL, ALBANY, N. Y.



## CHAPTER II.

### TERRITORIAL GROWTH.

**THE ORIGINAL TERRITORY.** — By the treaty of peace with Great Britain in 1783, the boundaries of the United States were defined. They were from the Atlantic on the east to the Mississippi on the west, and from the northern line of Florida on the south to the Great Lakes and Canada on the north. This treaty was negotiated in Paris by commissioners appointed by the United States and by Great Britain for the purpose. France had been our ally, and it was expressed distinctly in our treaty with that country, that when peace with Great Britain should be negotiated, France should be a party to the treaty. Moreover, when our commissioners were appointed to act for our country in the negotiation of this peace, they were instructed by special vote of the continental congress to take no step without France. Franklin, Jay, and Adams early observed that France was not unwilling to pay special attention to the interests of Spain in these negotiations. Spain held the great province of Louisiana west of the Mississippi, and greatly desired to annex to that territory the country northwest of the Ohio. Franklin at length cut the knot by negotiating the boundary question with the English commissioner without the knowledge of the French government. The provisional treaty, therefore, was signed before the French minister had an opportunity to know



what were to be the boundaries of the new republic. Our commissioners in this way succeeded in carrying the northern boundary through the centre of the Great Lakes and to the Lake of the Woods, thence southerly by the whole length of the Mississippi to lat.  $31^{\circ}$ , thence easterly to the Atlantic along the northern line of Florida. This territory northwest of the Ohio, thus secured to our country, has proved of vast importance to us. It now comprises five states and that portion of Minnesota east of the Mississippi. The extent of the original territory of the United States was something over 800,000 square miles. This was more than three times as large as France, or Spain, or Germany, or Italy. The population was sparse, the settlements extending in the main only from 100 to 150 miles from the coast. The population was so small and the territory was so large that it does not appear to have entered into the minds of the founders of the republic that we should ever need or acquire additional territory. Hence there is in the constitution no provision for the acquisition of territory.

THE LOUISIANA PURCHASE. — In 1803, however, President Jefferson proposed to our minister to France, Robert R. Livingston, to endeavor to purchase the island of New Orleans, in order that we might control the left bank of the Mississippi to its mouth. Early in the spring of that year, Napoleon, then at the head of the French government, found himself on the eve of a war with Great Britain. He was fearful that his enemy would begin the war in North America by the capture of New Orleans, which would practically convey to Great Britain the entire province of Louisiana, which he had but lately purchased of Spain. To prevent this province from fall-

ing into the hands of Great Britain, he proposed to sell it to the United States. The treaty was soon negotiated between Mr. Livingston and James Munroe on the part of the United States, and Barbé Marbois, Napoleon's secretary of the treasury, by which this entire province was conveyed to the United States for the sum of \$15,000,000. After much discussion by the president, the cabinet, the senate, and the people of our country, the treaty was ratified. By this purchase the United States came into possession of that immense extent of territory which is bounded upon the east by the Mississippi throughout its whole extent, and which extends northward to lat. 49°, westward to the Rocky Mountains, and to the south as far as the Gulf of Mexico, embracing about 900,000 miles of the most fertile country, with a salubrious climate, and great variety of resources. This accession has proved of the utmost importance to the growth and development of this nation.

FLORIDA TREATY. — In 1819, we negotiated with Spain for the purchase of her provinces of east and west Florida, paying therefor the sum of \$ 5,000,000.

TEXAS. — Our next accession was by the annexation of Texas in 1845. It had been considered an open question whether Texas was not originally included within the province of Louisiana, but we relinquished our claim to Spain in the Florida treaty of 1819.

By that treaty it had been provided that the boundary line between the Spanish provinces in North America and this country, beginning at the mouth of the Sabine river, should follow up that river northward along the line of the western boundary of the present state of Louisiana, thence due north to the Red river, up the Red river,

thence due north to the Arkansas river, then following the course of the Arkansas to its source, thence north to lat. 42°, and west upon that parallel to the Pacific Ocean. By this treaty, therefore, we relinquished any claims that we might have put forth to Texas.

CALIFORNIA AND NEW MEXICO. — Texas, in 1836, asserted her independence of Mexico, and in 1845, by vote of congress and of the legislature of Texas, was annexed to this country. This gave us a territory of about 300,000 square miles. It led to the war with Mexico, and at the close of the war, in 1848, we purchased of that republic California and New Mexico, paying therefor the sum of \$ 15,000,000, and relinquishing claims of our citizens against Mexico for several million dollars more.

GADSDEN PURCHASE. — In 1853 we purchased an additional piece of territory from Mexico south of the Gila river, called the "Gadsden purchase," paying for it \$ 10,000,000.

OREGON. — Our title to Oregon is of varied character. We have claimed the right to hold this country,

- (1) By right of discovery (Capt. Gray, in 1792).
- (2) By exploration (Lewis and Clarke, in 1805-6).
- (3) By actual settlement (Astoria, in 1810).
- (4) By purchase from France in 1803, of whatever claim she might have had to the country.
- (5) By purchase from Spain, in the Florida treaty, of all her right to this territory north of lat. 42°.
- (6) By treaty with Great Britain in 1846, by which she yielded to us all her claims south of lat. 49°.

ALASKA. — In 1867, Secretary Seward negotiated a treaty with Russia, by which we obtained, for the sum

of \$7,200,000, the entire territory of Alaska. This is our latest purchase.

Our country now embraces about 3,600,000 square miles. Its eastern limits are the Atlantic Ocean, its western the Pacific Ocean; its southern boundary is upon the Gulf of Mexico, and its northern limit is the Arctic Ocean. It extends through about  $130^{\circ}$  of longitude, and through about  $45^{\circ}$  of latitude. It may be considered as embraced in four nearly equal divisions. The first part, being a little less than a quarter of the whole, includes the original territory east of the Mississippi river; the second quarter, of about 900,000 square miles, embraces the province of Louisiana; the third quarter consists of the original Texas, about 300,000 square miles and the Mexican cession of about 600,000 more; the fourth quarter includes the Oregon country, about 300,000 square miles, and Alaska about 600,000 more.

**NEW STATES.** — At the beginning of our government there were thirteen states. Since then twenty-five states have been admitted by congress in accordance with a provision of the constitution. Twelve of these added states were formed from territory within the original limits. Thirteen states, having equal privileges with the original states, have been added to our union from acquired territory. We have now, therefore (1887), thirty-eight states, and of the territories, several are asking to be admitted as states.

**GROWTH OF THE NATION.** — On the 4th of July, 1851, the corner-stone of a vast extension to the national capitol, at Washington, was laid by the president with appropriate ceremonies. On that occasion, Daniel Webster

was the orator of the day. He made the following remarkable statement relative to the progress our country has made since 1793. In order to present the continuation of this progress, we add the last column, showing the same statistics in 1880, so far as known.

	1793.	1851.	1880.
Number of states in the union . . .	15	31	38
Members of congress . . . . .	135	295	369
Population of the United States . .	3,929,328	23,267,499	50,152,866
Population of the city of New York .	33,121	515,507	1,206,590
Revenue . . . . .	\$ 5,720,624	\$ 43,774,848	\$ 250,000,000
Imports . . . . .	\$ 31,000,000	\$ 178,138,314	\$ 446,532,718
Exports . . . . .	\$ 26,109,000	\$ 151,898,720	\$ 729,053,830
Tonnage of our vessels . . . . .	320,764	3,538,454	4,169,601
Extent of territory of U. S. in sq. m. .	801,461	3,314,465	3,603,884
Miles of railroad in operation . . .	none	10,287	80,831
Miles of railroad in construction . .	none	10,092	about 20,000
Lines of electric telegraph, in miles .	none	15,000	82,987
Number of post-offices . . . . .	209	21,551	40,855
Number of colleges . . . . .	19	121	358

## CHAPTER III.

### PRESENT EXTENT OF OUR COUNTRY.

THE entire extent of our country at the present time is 3,603,884 square miles. Of this immense area, the states proper include a little over 2,100,000 square miles, and the territories, in round numbers, 1,500,000 square miles. The aggregate population according to the census of 1880 is 50,152,866, of which 49,369,595 are in the states, and 783,271 in the territories (including the District of Columbia).

The average population per square mile is a little less than 14 for the entire area, and for the states proper 23. The greatest average per square mile is in Rhode Island, which has about 255, and the next is in Massachusetts, with 222.

If the entire country had a population as dense as Rhode Island now has, it would contain over 900,000,000, or more than three-fifths the present population of the globe.

In a list of all the countries on the globe, only two, Asiatic Russia and the Chinese Empire, exceed in extent the United States.

The extent of our country is greater than all Europe, if we exclude Turkey, which, properly speaking, is an Asiatic power. It is more than half as large as the whole of South America. It is thirty times as large as Great Britain and Ireland, or eighteen times as large as

France, or twenty times the size of Spain, or nearly five times its original area.

WHAT SHALL THE FUTURE BE?—Thirty years ago an American gentleman, observing the tendency towards centralization among the great powers, ventured several prophecies respecting the future development of the leading powers of the earth. He said:—\*

“The world is now rapidly tending to the aggregation or consolidation of nations into a few great empire states. England and Russia already excel the Roman empire. France is aiming at further annexation of territory. Germany will be before many years united in a confederation. Asia, west of the British dominion, will fall into the hands of Russia or England. China and Japan will be Anglicized or Americanized. The United States will take in the whole continent of America. The Australian island will become a federal republic; and Africa will exhibit a line of French provinces in the north, a Liberian republic in the west, an Egypto-British state in the northeast, and another republic in the south. That under this new arrangement and vast aggregation of powers the battle of freedom will be fought over again, (Russia marshalling the east against the west), we are not permitted to doubt; nor is it less certain that our own republic, destined to become the greatest of all nations, unless arrested by the suicidal dissolution of the union, will give the casting vote, with a mailed hand in favor of the freedom and progress of the race. The grand inference to be deduced in every view of our position and duty is, then, that Americans ought to improve and

\* Thomas W. Dorr, in a Providence (R.I.) paper, November, 1853.

hold fast their own institutions, elevate their national character, render this the abode of the highest intelligence, and of a truly Christian civilization, as well as the most successful industry, that thus our republic may be in readiness, when called upon in the future, to decide the fate of nations to hold up for their imitation the example of a state whose institutions are more conducive to the greatest freedom and welfare of mankind than any that the world has ever seen."

It is clear that this great republic has an important future before it. In its prosperity is bound up the question of popular government. If we succeed, a brilliant future may be predicted for the human race. If we fail, the hand goes back for ages upon the dial of progress. The result depends largely upon the intelligence and the virtue of the masses. If the people are educated to read and think and decide for themselves, if they retain virtue and godliness, the republic is safe and the destiny of the race is safe also.





## APPENDIX.



### I.

WE have already stated that the first Continental Congress, which assembled at Philadelphia September 5, 1774, adopted a Declaration of Rights. The following is the document, as finally agreed upon by the Congress, October 14, 1774. It is confined to the consideration of such rights as had been infringed by acts of the British Parliament since the year 1763, for the further consideration of the general state of American rights was postponed until a subsequent day.

#### DECLARATION OF RIGHTS.

WHEREAS, since the close of the last war, the British parliament claiming a power of right, to bind the people of America by statutes in all cases whatsoever, hath, in some acts, expressly imposed taxes on them, and in others, under various pretences, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies, established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county :

And whereas, in consequence of other statutes, judges, who before held only estates at will in their offices, have been made

dependent on the crown alone for their salaries, and standing armies kept in times of peace : And whereas it has lately been resolved in parliament, that by force of a statute, made in the thirty-fifth year of the reign of king Henry the eighth, colonists may be transported to England, and tried there upon accusations for treasons, and misprisions, or concealments of treasons committed in the colonies, and by a late statute, such trials have been directed in cases therein mentioned :

And whereas, in the last session of parliament, three statutes were made ; one, entitled an " Act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading, or shipping of goods, wares and merchandise, at the town, and within the harbour of Boston, in the province of Massachusetts-Bay, in North-America ;" another, entitled " An act for the better regulating the government of the province of Massachusetts-Bay in New-England ;" and another, entitled " An act for the impartial administration of justice, in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachusetts-Bay, in New-England ;" and another statute was then made, " for making more effectual provision for the government of the province of Quebec, &c." All which statutes are impolitic, unjust, and cruel, as well as unconstitutional, and most dangerous and destructive of American rights :

And whereas, assemblies have been frequently dissolved, contrary to the rights of the people, when they attempted to deliberate on grievances ; and their dutiful, humble, loyal, and reasonable petitions to the crown for redress, have been repeatedly treated with contempt, by his majesty's ministers of state :

The good people of the several colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, New-Castle, Kent, and Sussex, on Delaware, Maryland, Virginia, North-

Carolina, and South-Carolina, justly alarmed at these arbitrary proceedings of parliament and administration, have severally elected, constituted, and appointed deputies to meet, and sit in General Congress, in the city of Philadelphia, in order to obtain such establishment, as that their religion, laws, and liberties, may not be subverted. Whereupon the deputies so appointed being now assembled, in a full and free representation of these colonies, taking into their most serious consideration, the best means of attaining the ends aforesaid, do, in the first place, as Englishmen, their ancestors, in like cases have usually done, for affecting and vindicating their rights and liberties, DECLARE,

That the inhabitants of the English colonies in North-America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following RIGHTS :

*Resolved, N. D.\** 1. That they are entitled to life, liberty, and property, and they have never ceded to any sovereign power whatever, a right to dispose of either without their consent.

*Resolved, N. C. D.* 2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England.

*Resolved, N. C. D.* 3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

*Resolved,* 4. That the foundation of English liberty, and of

\* An abbreviation for *nemine contradicente*; that is, no one opposing or disagreeing.

all free government, is a right in the people to participate in their legislative council: and as the English colonists are not represented, and from their local and other circumstances, cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed. But, from the necessity of the case, and a regard to the mutual interest of both countries, we cheerfully consent to the operation of such acts of the British parliament, as are bona fide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation internal or external, for raising a revenue on the subjects in America, without their consent.

*Resolved, N. C. D. 5.* That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

*Resolved, 6.* That they are entitled to the benefit of such of the English statutes, as existed at the time of their colonization; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

*Resolved, N. C. D. 7.* That these, his majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charter, or secured by their several codes of provincial laws.

*Resolved, N. C. D. 8.* That they have a right peaceably to assemble, consider of their grievances, and petition the king; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

*Resolved, N. C. D. 9.* That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

*Resolved, N. C. D. 10.* It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other ; that, therefore, the exercise of legislative power in several colonies, by a council appointed, during pleasure, by the crown, is unconstitutional, dangerous and destructive to the freedom of American legislation.

All and each of which the aforesaid deputies, in behalf of themselves, and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties ; which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent, by their representatives in their several provincial legislatures.

In the course of our inquiry, we find many infringements and violations of the foregoing rights, which from an ardent desire, that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed to state such acts and measures as have been adopted since the last war, which demonstrate a system formed to enslave America.

*Resolved, N. C. D.* That the following acts of parliament are infringements and violations of the rights of the colonists ; and that the repeal of them is essentially necessary, in order to restore harmony between Great Britain and the American colonies, viz.

The several acts of 4 Geo. III. ch. 15, and ch. 34. — 5 Geo. III. ch. 25. — 6 Geo. III. ch. 52. — 7 Geo. III. ch. 41, and ch. 46. — 8 Geo. III. ch. 22, which impose duties for the purpose of raising a revenue in America, extend the power of the admiralty courts beyond their ancient limits, deprive the American subjects of trial by jury, authorize the judges' certificate to indem-

nify the prosecutor from damages, that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights.

Also 12 Geo. III. ch. 24, entitled "An act for the better securing his majesty's dock-yards, magazines, ships, ammunition, and stores," which declares a new offence in America, and deprives the American subject of a constitutional trial by jury of the vicinage, by authorizing the trial of any person, charged with the committing any offence described in the said act, out of the realm, to be indicted and tried for the same in any shire or county within the realm.

Also the three acts passed in the last session of parliament, for stopping the port and blocking up the harbour of Boston, for altering the charter and government of Massachusetts-Bay, and that which is entitled "An act for the better administration of justice," &c.

Also the act passed in the same session for establishing the Roman Catholic religion, in the province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there, to the great danger, (from so total a dissimilarity of religion, law and government) of the neighbouring British colonies, by the assistance of whose blood and treasure the said country was conquered from France.

Also the act passed in the same session, for the better providing suitable quarters for officers and soldiers in his majesty's service, in North-America.

Also, that the keeping a standing army in several of these colonies, in time of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

To these grievous acts and measures, Americans cannot submit, but in hopes their fellow subjects in Great-Britain will, on a revision of them, restore us to that state, in which both countries found happiness and prosperity, we have for the present,

only resolved to pursue the following peaceable measures: 1. To enter into a non-importation, non-consumption, and non-exportation agreement or association. 2. To prepare an address to the people of Great-Britain, and a memorial to the inhabitants of British America: and 3. To prepare a loyal address to his majesty, agreeable to resolutions already entered into.

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II.

THE DECLARATION OF INDEPENDENCE, ADOPTED BY CONGRESS JULY 4, 1776.

A DECLARATION BY THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the clauses which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these, are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that



governments long established, should not be changed for light and transient causes ; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world :

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his Governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained ; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature ; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected ; whereby the legislative powers, inca-

pable of annihilation, have returned to the people at large for their exercise ; the State remaining, in the mean time, exposed to all the danger of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States ; for that purpose, obstructing the laws for naturalization of foreigners ; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislature.

He has affected to render the military independent of, and superior to, the civil power.

He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws ; giving his assent to their acts of pretended legislation :

For quartering large bodies of armed troops among us :

For protecting them, by a mock trial, from punishment, for any murders which they should commit on the inhabitants of these States :

For cutting off our trade with all parts of the world :

For imposing taxes on us without our consent :

For depriving us, in many cases, of the benefits of trial by jury :

For transporting us beyond seas to be tried for pretended offences :

For abolishing the free system of Trade

ing province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the powers of our governments :

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction, of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress, in the most humble terms ; our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren.

We have warned them, from time to time, of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emi-

gration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity, which denounces our separation, and hold them as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, *free and independent States*; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain, is, and ought to be totally dissolved; and that, as FREE AND INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And, for the support of this declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other, our lives, our fortunes, and our sacred honor.

The foregoing declaration was, by order of Congress, engrossed, and signed by the following members:

JOHN HANCOCK.

*New Hampshire.*

Josiah Bartlett,  
William Whipple,  
Matthew Thornton.

*Massachusetts Bay.*

Samuel Adams,  
John Adams,

Robert Treat Paine,  
Elbridge Gerry.

*Rhode Island.*

Stephen Hopkins,  
William Ellery.

*Connecticut.*

Roger Sherman,

Samuel Huntington,  
William Williams,  
Oliver Wolcott.

*New York.*

William Floyd,  
Philip Livingston,  
Francis Lewis,  
Lewis Morris.

*New Jersey.*

Richard Stockton,  
John Witherspoon,  
Francis Hopkinson,  
John Hart,  
Abraham Clark.

*Pennsylvania.*

Robert Morris,  
Benjamin Rush,  
Benjamin Franklin,  
John Morton,  
George Clymer,  
James Smith,  
George Taylor,  
James Wilson,  
George Ross.

*Delaware.*

Cæsar Rodney,  
George Read,  
Thomas M'Kean.

*Maryland.*

Samuel Chase,  
William Paca,  
Thomas Stone,  
Charles Carroll, of Carrollton.

*Virginia.*

George Wythe,  
Richard Henry Lee,  
Thomas Jefferson,  
Benjamin Harrison,  
Thomas Nelson, jun.  
Francis Lightfoot Lee,  
Carter Braxton.

*North Carolina.*

William Hooper,  
Joseph Hewes,  
John Penn.

*South Carolina.*

Edward Rutledge,  
Thomas Heyward, jun.  
Thomas Lynch, jun.  
Arthur Middleton.

*Georgia.*

Button Gwinnett,  
Lyman Hall,  
George Walton.

Copies of the foregoing Declaration were, by a resolution of Congress, sent to the several assemblies, conventions, and committees, or councils of safety, and to the several commanding officers of the continental troops; and it was also proclaimed in each of the United States, and at the head of the army.

## III.

ARTICLES OF CONFEDERATION AND PERPETUAL UNION  
BETWEEN THE STATES.

*To all to whom these presents shall come, we the undersigned Delegates of the States affixed to our names, send greeting:—* Whereas the Delegates of the United States of America in Congress assembled did on the 15th day of November in the Year of our Lord 1777, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of New-Hampshire, Massachusetts-bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, in the words following, viz.

*Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts-bay, Rhode Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia.*

ARTICLE I. The Stile of this confederacy shall be “The United States of America.”

ARTICLE II. Each state retains its sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the united states, in congress assembled.

ARTICLE III. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their Liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on

account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this Union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from Justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states ; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restriction shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the Owner is an inhabitant ; provided also that no imposition, duties or restrictions shall be laid by any state, on the property of the united states, or either of them.

If any person guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee from Justice, and be found in any of the united states, he shall upon demand of the governor or executive power, of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

ARTICLE V. For the more convenient management of the general interest of the united states, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in congress on the first Monday in November, in every year, with a power reserved to each state, to recal its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the Year.

No state shall be represented in congress by less than two, nor by more than seven members ; and no person shall be capable of being a delegate for more than three years in any term of six years ; nor shall any person, being a delegate, be capable of holding any office under the united states, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in any meeting of the states, and while they act as members of the committee of the states.

In determining questions in the united states, in congress assembled, each state shall have one vote.

Freedom of speech and debate in congress shall not be impeached or questioned in any Court, or place out of congress, and the members of congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

ARTICLE VI. No state without the Consent of the united states in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King prince or state ; nor shall any person holding any office of profit or trust under the united states, or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince, or foreign state ; nor shall the united states in congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the united states in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere



with any stipulations in treaties, entered into by the united states in congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only, as shall be deemed necessary by the united states in congress assembled, for the defence of such state, or its trade ; nor shall any body of forces be kept up by any state, in time of peace, except such number only, as in the judgment of the united states, in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state ; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war without the consent of the united states in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay, till the united states in congress assembled can be consulted : nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the united states in congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the united states in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the united states in congress assembled shall determine otherwise.

ARTICLE VII. When land-forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

ARTICLE VIII. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the united states in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any Person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the united states in congress assembled, shall from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the united states in congress assembled.

ARTICLE IX. The united states in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in cases mentioned in the 6th article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the united states shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts

for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of congress shall be appointed a judge of any of the said courts.

The united states in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction or any other cause whatever ; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question : but if they cannot agree, congress shall name three persons out of each of the united states, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen ; and from that number not less than seven, nor more than nine names as congress shall direct, shall in the presence of congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination : and if either party shall neglect to attend at the day appointed, without showing reasons, which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing ; and the judgment and sentence of the court to be appointed, in the

manner before prescribed, shall be final and conclusive ; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress for the security of the parties concerned : provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, " well and truly to hear and determine the manner in question, according to the best of his judgment, without favour, affection or hope of reward : " provided also that no state shall be deprived of territory for the benefit of the united states.

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the congress of the united states, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The united states in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states — fixing the standard of weights and measures throughout the United States — regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated — establishing or regulating post-offices from one state to another, throughout all the united states, and exacting such postage on the papers passing

thro' the same as may be requisite to defray the expenses of the said office — appointing all officers of the land forces, in the service of the united states, excepting regimental officers — appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the united states — making rules for the government and regulation of the said land and naval forces, and directing their operations.

The united states in congress assembled shall have authority to appoint a committee, to sit in the recess of congress, to be denominated "A Committee of the States," and to consist of one delegate from each state ; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the united states under their direction — to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years ; to ascertain the necessary sums of Money to be raised for the service of the united states, and to appropriate and apply the same for defraying the public expenses — to borrow money, or emit bills on the credit of the united states, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted,—to build and equip a navy — to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state ; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men and cloath, arm and equip them in a soldier like manner, at the expense of the united states ; and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the united states in congress assembled : But if the united states in congress assembled shall, on consideration of circumstances judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number

of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the united states in congress assembled.

The united states in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the united states, or any of them, nor emit bills, nor borrow money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same : nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the united states in congress assembled.

The Congress of the united states shall have power to adjourn to any time within the year, and to any place within the united states, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the Journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy ; and the yeas and nays of the delegates of each state on any question shall be entered on the Journal, when it is desired by any delegate ; and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ARTICLE X. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of congress, such of the powers of congress as the united states in congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with ; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the congress of the united states assembled is requisite.

ARTICLE XI. Canada acceding to this confederation, and joining in the measures of the united states, shall be admitted into, and entitled to all the advantages of this union ; but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ARTICLE XII. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of congress, before the assembling of the united states, in pursuance of the present confederation, shall be deemed and considered as a charge against the united states, for payment and satisfaction whereof the said united states, and the public faith are hereby solemnly pledged.

ARTICLE XIII. Every state shall abide by the determinations of the united states in congress assembled, on all questions which by this confederation is submitted to them. And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual ; nor shall any alteration at any time hereafter be made in any of them ; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state.

*And Whereas* it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. Know

Ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the united states in congress assembled, on all questions, which by the said confederation are submitted to them. And that the articles thereof shall be inviolably observed by the states we respectively represent, and that the union shall be perpetual. In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the state of Pennsylvania the 9th day of July in the Year of our Lord, 1778, and in the 3d year of the Independence of America.

Josiah Bartlett,	John Wentworth, jun. } August 8th, 1778, }	On the part and behalf of the state of New Hampshire.
John Hancock, Samuel Adams, Elbridge Gerry,	Francis Dana, James Lovell, Samuel Holton,	} On the part and behalf of the state of Massachusetts-Bay.
William Ellery, Henry Marchant,	John Collins,	} On the part and behalf of the state of Rhode-Island and Providence Plantations.
Roger Sherman, Samuel Huntington, Oliver Wolcott,	Titus Hosmer, Andrew Adam,	} On the part and behalf of the state of Connecticut.
Jas Duane, Fras Lewis,	William Duer, Gouv <sup>r</sup> Morris,	} On the part and behalf of the state of New-York.
Jn <sup>o</sup> Witherspoon,	Nath <sup>l</sup> Scudder,	} On the part and behalf of the state of New-Jersey, November 26th, 1778.
Rob <sup>t</sup> Morris, Daniel Roberdeau, Jon <sup>o</sup> Bayard Smith,	William Clingan, Joseph Reed, 22d July, 1778.	} On the part and behalf of the state of Pennsylvania.
Tho. M <sup>r</sup> Kean, Feb. 12, 1779, John Dickinson, May 5, 1779,	Nicholas Van Dyke,	} On the part and behalf of the state of Delaware.
John Hanson, March 1st, 1781,	Daniel Carroll, March 1st, 1781.	} On the part and behalf of the state of Maryland.



Richard Henry Lee, John Banister, Thomas Adams,	Jn <sup>o</sup> Harvie, Francis Lightfoot Lee,	} On the part and behalf of the state of Virginia.
John Penn, July 21st, 1778,	Corns Harnett, Jn <sup>o</sup> Williams,	
Henry Laurens, William Henry Drayton, Jn <sup>o</sup> Matthews,	Richd Hutson, Thos. Heyward, jun.	} On the part and behalf of the state of South Carolina.
Jn <sup>o</sup> Walton, 24th July, 1778,	Edw <sup>d</sup> Telfair, Edw <sup>d</sup> Langworthy,	

## IV.

## ELECTORAL COUNT BILL.

CHAP. 90.—An act to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the electors of each State shall meet and give their votes on the second Monday in January next following their appointment, at such place in each State as the legislature of such State shall direct.

SEC. 2. That if any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution,

and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

SEC. 3. That it shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of electors in such State, by the final ascertainment under and in pursuance of the laws of such State providing for such ascertainment, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast ; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by the preceding section to meet, the same certificate, in triplicate, under the seal of the State ; and such certificate shall be inclosed and transmitted by the electors at the same time and in the same manner as is provided by law for transmitting by such electors to the seat of Government the lists of all persons voted for as President and of all persons voted for as Vice-President ; and section one hundred and thirty-six of the Revised Statutes is hereby repealed ; and if there shall have been any final determination in a State of a controversy or contest as provided for in section two of this act, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such determination, in form and manner as the same shall have been made ; and the Secretary of State of the United States, as soon as practicable after the receipt at the State Department of each of the certificates hereinbefore directed to be transmitted to the Secretary of State, shall publish, in such public newspaper as he shall designate, such certificates in full ; and at the first

meeting of Congress thereafter he shall transmit to the two Houses of Congress copies in full of each and every such certificate so received theretofore at the State Department.

SEC. 4. That Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of one o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules in this act provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and

such objections shall be submitted to the Senate for its decision ; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision ; and no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section three of this act from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section two of this act to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State ; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section two of this act, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its laws ; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting sepa-

rately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the Executive of the State, under the seal thereof, shall be counted. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

SEC. 5. That while the two Houses shall be in meeting as provided in this act the President of the Senate shall have power to preserve order ; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.

SEC. 6. That when the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once ; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate.

SEC. 7. That at such joint meeting of the two Houses seats shall be provided as follows : For the President of the Senate, the Speaker's chair ; for the Speaker, immediately upon his left ; the Senators, in the body of the Hall upon the right of the presiding officer ; for the Representatives, in the body of the Hall not provided for the Senators ; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk ; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's

platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared ; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this act, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of ten o'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House.

Approved, February 3, 1887.



## INDEX.

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- Admission of New States, 164.  
Ad Valorem Duties, 107.  
Aldermen, 7.  
Amendments to the Constitution, 78, 171.  
Annapolis, Convention at, 57.  
Appropriation Bills, 132.  
Armies, Support of, Powers of Congress, 122.  
Army, Officers of, 123; Rules of, Powers of Congress, 125.  
Articles of Confederation, The, 53.  
Assessors of Taxes, 4.  
Auditor, 24.
- Banking, International, 203.  
Banking System, The, 200.  
Bankruptcy, Powers of Congress, 109, 111.  
Bill of Attainder, Powers of Congress, 131.  
Bills of Revenue, 102.  
Boroughs, 6.  
British Colonies, 29.  
Bureau of Education, 17.
- Charter Governments, 47.  
Church and State, 19.  
Circular Notes, 205.  
Cities, 6.  
City Charter, 6; Officers, 6.  
Coinage of Money, Powers of Congress, 111.  
Collectors of Taxes, 5.  
Colonial Governments, Dutch, 44; England, 44; French, 44.  
Colonial Government, Kinds of, 45.  
Colonial Governments, Spain, 43.  
Colonies, British, 29; Thirteen English, 44.  
Commerce, Powers of Congress, 109.  
Congress of 1765, The, 39.  
Congress, Meeting of, 99; Powers of, 105; Privileges of Members, 101; Quorum of, 99; Rules of, 100; Salary of Members of, 101.  
Constitution Approved, The, 60; Division into Subjects, 88; Government under the, 184; The, 63.  
Continental Congress, The First, 40; The Second, 42, 48.  
Convention at Annapolis, 57; The Federal, 58.  
Copyrights, Assignments, 119; Copies of Duplicate Certificates, 119; Duration of, 118; Fees, 117; for Works of Art, 119; Full Name of Proprietor Required, 120; No Labels or Names, 120; Notice of, to be given by Imprint, 117; Powers of Congress, 116; Printed Title Required, 116; Renewal of, 118; Serials, 119; Separate Publications, 119; Time of Publication, 119; Translations, 118.  
Counterfeiting, Punishment of, Powers of Congress, 113.  
Copyrights, Two Copies Required, 117.  
County, 26.
- Dates of Ratification of the Constitution, 62.  
Declaration of Independence, The, 49.  
Department of Justice, The, 195; of the Interior, The, 189; of the Navy, The, 188; The Executive, 142, 181; The Judicial, 158; The Legislative,



- 89, 177; The Post-Office, 191; of State, The, 182; The Treasury, 184; The War, 186.
- District of Columbia, Powers of Congress, 125.
- Duties, 106.
- Education and the National Government, 16; Bureau of, 17; State Systems of, 17.
- Election of President, 141; by the House, 148.
- Electors, 139; Counting of the Votes of the, 147; Date of Choosing the, 142; Date of Voting of, 142; Meeting of the, 146; Method of Electing the, 145.
- Excises, 106.
- Executive Department, The, 142, 181.
- Executive Power, The, 137.
- Export Duties, Powers of Congress, 132.
- Ex post facto* Law, Powers of Congress, 131.
- Federal Convention, The, 58.
- Florida Treaty, 209.
- Formation of New States, 164.
- Free and Slave States, 165.
- French and Indian War, The Results of the, 31.
- French Settlements, 29.
- Gadsden Purchase, 210.
- General Powers of Congress, 127.
- General Welfare, The, 10.
- Germans of Union, The, 36.
- Government, Contact with, 26; in operation, 175; Military, 10; Police, 11; under the Constitution, 184; Schools, 16; The Colonial, 55; The Confederate, 55; The Constitutional, 56; The Revolutionary, 55; Three Departments of, 87.
- Governments, Charter, 47; Proprietary, 46.
- Gradation of Schools, 19.
- Growth of the Nation, 211.
- House of Representatives, 90, 179; Officers of, 92.
- Impeachments, 97.
- Imposts, 106.
- Independence, The Drift towards, 32.
- Interior, The Department of the, 189.
- International Banking, 203.
- Interstate Surrender, 164.
- Judicial Department, The, 158.
- Judicial Power, The, 159.
- Justice, 10; The Department of, 195.
- Land-Office, The, 189.
- Law-Making, 102.
- Legislative Department, The, 89, 177.
- Letters of Marque and Reprisal, Powers of Congress, 122.
- Louisiana Purchase, The, 208.
- Mails, The, 113.
- Man a Social Being, 1.
- Mayor, 6.
- Meeting of Congress, 99.
- Members of Congress, Privileges of, 101; Salary of, 101.
- Military Government, 10.
- Militia, 125.
- Ministers Resident, 184.
- Miscellaneous Provisions, 163.
- Mode of Amending the Constitution, 169.
- Moderator, 2.
- Money, Coinage of, Powers of Congress, 111.
- Municipalities, 26.
- Nation and the State, The, 27.
- National Bank System, The, 197.
- National Government and Education, The, 16.
- Naturalization, Powers of Congress, 109.
- Navy, The Department of the, 188; Officers of, 124; Rules of, Powers of Congress, 125; Support of, Powers of Congress, 124.

- Need of Government, 1.  
New States, 164, 211.
- Objects of Government, The, 9.  
Overseers of the Poor, 5.
- Patents, Powers of Congress, 120.  
Peace, 10.
- Piracies, Punishments of, Powers of Congress, 121.  
Police Government, 11.  
Postal Money Orders, 115.  
Postmasters, 113.  
Post-Office Department, The, 191.  
Post-Offices, Powers of Congress, 113.  
Powers of Congress, 105.  
Powers of President, 155.  
Power, The Judicial, 159.  
Preamble, 9, 84.  
Present Extent of Our Country, 213.  
President, 137; Election by the House of the, 148; Election of, 141; Impeachment of, 157; of the Senate, 96; Powers of, 155; Qualifications for, 149.  
Presidential Term, 137.  
Presidents, The, 138.  
President's Oath of Office, 154; Salary, 153.  
President's Veto, 103.  
Property, Valuation of, 22.  
Proprietary Governments, 46.  
Provincial Governments, The, 45.  
Public Lands for School Purposes, 15;  
Public Ministers and Consuls, 183;  
Schools, 14.  
Punishment of Treason, The, 162.
- Qualifications for President, 149.  
Quebec, The Battle of, 30.  
Quorum of Congress, 99.
- Ratification and Amendments, 169; of the Constitution, Dates of, 62.  
Representatives, Appointment of, 91; House of, 90; House of, Officers of, 92; Qualifications for, 90.
- Restrictions upon the States, 134.  
Rules of Congress, 100.
- Salary of Members of Congress, 101; of the President, 153.  
School Committee, 3; Purposes, Public Lands for, 15; Superintendents, 19.  
Schools at the West, 14; Government, 16; Gradation of, 19; in New England, Early Public, 14; of the South, 15; Public, 14.  
Secretary of Legation, 184.  
Selectmen, 3.  
Senate, Officers of, 96; President of, 96, 178; The, 93, 178.  
Senators, Qualifications for, 95.  
Settlements, French, 29; Spanish, 29.  
Slave Trade, 121; Powers of Congress, 129.  
Speaker of the House, 179.  
Specific Duties, 107.  
State, 26; Legislatures, 134; The Department of, 182.  
States and the Nation, Origin of the, 28.  
Succession to the Presidency, 151.  
Succession to the Vice-Presidency, 178.  
Superintendence, State, 18.  
Supervision, 18.  
Supremacy of the United States Government, 169.  
Surveyors of Highways, 4.
- Taxation, 21.  
Taxes, 2; Assessors of, 4; Collection of, 24; Collectors of, 5; Exemptions from, 25; Levying of, 23; Powers of Congress, 106.  
Term of President, 137.  
Territorial Growth, 207.  
Territories, The, 167.  
Titles of Nobility, 133.  
Town Clerk, 3.  
Town Government, A, 2.  
Town Meeting, 2.  
Town Officers, 2.  
Town Treasurer, 3.  
Township System, The, 17.  
Township, The, 1.

